

Applications for Operating Authority

Q. Is a telecommunications carrier required to obtain operating authority from the Commission before offering service to the public?

A. Yes. If a carrier provides service to the public without receiving operating authority, the carrier is subject to sanctions and penalties as provided by law, including the refund of any payments made by customers. (Maryland Public Utilities Article and Related Laws, §2-113(a)(1) and (2))

Q. How does a carrier obtain operating authority from the Commission?

A. A carrier must file a complete application with the Commission's Executive Secretary. A complete application must include (1) a completed Model Application form, (2) initial tariffs, and (3) a completed checklist for each initial tariff submitted. The Model Application form identifies additional information, documents, and attachments that must be provided, and the tariff checklist specifies the requirements for the tariff to which the checklist applies.

Q. How does the Commission process an application for operating authority?

A. The application is distributed to the Commission's Staff who reviews the filing and recommends that the application be either approved or rejected. During the review period, Staff may contact the applicant to obtain additional information.

Q. How long does it take for an application to be processed?

A. An application that is complete and accurate can be processed in approximately 30 to 60 days.

Q. How many copies of an application must be filed?

A. Carriers must file an original and fourteen (14) paper copies along with 1 electronic copy (CD or diskette) of the complete application. Fourteen (14) copies of the initial tariffs in legislative format are required. The legislative format should outline proposed deviations from the model tariff language. COMAR 20.07.04.13. <http://www.dsd.state.md.us/comar/comarhtml/20/20.07.04.13.htm>

Q. Does a carrier have the opportunity to present arguments to the Commission if Staff recommends rejection of an application?

A. Yes. Applications are considered at weekly Administrative Meetings that are open to the public, and any party or representative may address the item that is before the Commission.

Q. Does the carrier have to be present at the Administrative Meeting when its application is considered?

A. No.

Q. How is the carrier notified of the Commission's decision on its application?

A. Within a day or two of the Commission's ruling on the application, the party who submitted the application will receive a written notice of the Commission's decision and any other relevant information or requirements.

Requirements for Initial Tariffs

Q. What issued and effective dates should be used on the initial tariffs?

A. The issued and effective dates should be left blank. The carrier will be directed to file a clean copy of the tariffs to include all applicable dates after the application is considered by the Commission.

Q. How many copies of an initial tariff must be filed?

A. Carriers must file an original and 14 copies in standard format, 1 electronic copy (CD or diskette), and 14 copies in legislative format. COMAR 20.07.04.13. <http://www.dsd.state.md.us/comar/comarhtml/20/20.07.04.13.htm>

Q. How can a carrier satisfy the requirements of the tariff checklist?

A. The Commission's website <http://webapp.psc.state.md.us/Intranet/home.cfm> provides a Model Standard Tariff for retail services, both local and long distance, and a Model Access Tariff for carrier access services. The model tariffs contain all of the provisions for tariffs that meet the Commission's requirements. The Commission requires carriers to follow the model tariff to expedite the application review process.

Q. May a carrier deviate from the model tariffs?

A. A carrier may deviate from the model tariffs, but adherence to the checklist items must be ensured. See Commission letter titled, "Notice to All Telecommunications Providers and Applicants" dated January 28, 2005. http://webapp.psc.state.md.us/intranet/telephone/noticetoproviders_new.cfm

Q. Are there any special requirements for carriers that choose not to follow the model tariff?

A. Yes. Fourteen (14) copies of the proposed tariff must be submitted in legislative format. That is, any additional text added to the model tariff must be underlined (underlined) and any text deleted must be bracketed [bracketed]. Tariff provisions that are inconsistent with one another or do not otherwise satisfy the checklist will not be accepted by the Staff reviewer.

Q. Can a carrier file an application for operating authority but submit its initial tariffs at a later date?

A. Applicants requesting long distance operating authority are required to file their initial long distance tariff at the time of application. Applicants for local operating authority may submit their local tariffs at a later date if they have not completed making interconnection arrangements with other carriers. In no case can a carrier provide service without having approved tariffs on file with the Commission.

Q. How long after Filing (or Commission receipt) does a CLEC tariff become effective? (How long does it take to be approved?)

A. Assuming that the Company filed all of the documentation properly, it takes about 1-2 months on average to get the application and the tariff approved. An analyst reviews the filing, writes comments and passes on the application to the upper management for review and to the Commission for decision. The analyst does not control the scheduling of the filing for the Administrative Meeting held before the Commission, where the Commission will ultimately decide to either accept or reject the filing. Thus, the approximate timing indicated is only an estimate and cannot be held as a precise time frame. A longer or shorter time period may be needed for the review and approval. As it is stated in the "Notice to all Telecommunications Providers and Applicants," "The Commission believes that requiring carriers to use the model tariff and to show changes in legislative format will expedite the approval process and will help to ensure that all Maryland-specific tariff requirements are included in the initial tariff."

Standard Tariff Revisions

Q. What information must a carrier file to revise its existing tariff(s).

A. Carriers must file a transmittal letter and include copies of the proposed tariff in standard *and* legislative format. A tariff in legislative format shows additional text as underlined (underlined) and text deleted as bracketed [bracketed].

Q. How many copies of a tariff revision are required to be filed?

A. For all revisions to tariffs, carriers must file an original and 14 copies of the tariff in standard format, 1 electronic copy (CD or diskette), and 14 copies of the tariff in legislative format.

Q. How long does it take for a tariff revision to be considered by the Commission?

A. The Commission will consider tariff revisions within 30 days of when they are filed.

Q. Can the processing period be delayed beyond 30 days?

A. Yes. The Commission's Staff will defer consideration of the filing if it finds that corrections are needed to make the filing consistent with the Commission's requirements.

Q. What issue and effective dates should a carrier use on a proposed tariff?

A. The issue date should be the date the tariff revision is sent to the Commission. The effective date should be approximately 30 days after the filing is received by the Commission. (Allow 3 –7 days in transit)

Q. What are the customer notification requirements for tariff price increases?

A. The law states that a public notice should be provided to customers about any rate changes at least 30 days prior to those rate changes. (Public Utilities Article and Related Laws, §4-203)

Tariff Revisions for Promotions

Q. Does the Commission have special requirements that apply to promotions?

A. Yes. Promotions must specify a beginning and ending date in the tariff. The promotional period is limited to 6 months and cannot be extended. If a carrier wishes to offer a promotion longer than 6 months, a tariff revision must be filed to convert the promotion to a permanent offering.

Q. How many copies of a promotion are required to be filed?

A. Carriers must file an original and 14 copies of the tariff in standard format and 1 electronic copy (CD or diskette). No copies in legislative format are required.

Q. What issue and effective dates should be used for promotions?

A. Promotions may be filed on 1-day notice. As with standard tariff revisions, the issue date should be the date the tariff revision is sent to the Commission. The effective date should reflect the 1-day notice period and 7-day transit time. Therefore, the effective date should be 8 days later than the issued date.

Interconnection Agreements and Amendments

Q. How much time is required for approval of an Interconnection Agreement and/or Amendment?

A. Typically three to four weeks.

Q. Can an Interconnection Agreement be submitted prior to a Company receiving LEC authority?

A. Generally no, but if a Company's application for operating authority is scheduled to be approved within a week or so, an exception may be made.

Q. Do Interconnection Agreements and/or Amendments go to an Administrative Meeting for purposes of receiving Commission approval?

A. Yes.

Corporate Transactions

Q. What are the most common types of corporate transactions?

A. Corporate transactions include name changes, transfers of control, transfers of assets and/or customers, mergers, and acquisitions.

Q. Are carriers required to file notice of corporate transactions?

A. Yes.

Q. What information is required in the filing?

A. Carriers must provide documentation that authorizes the transaction, i.e., amended articles of incorporation, merger agreement, etc. If a name change results from a transaction, the new name must also be properly registered with the Maryland Department of Assessments and Taxation. If a merger creates a new entity, the new entity must file a complete application for operating authority. All existing tariffs must be modified to reflect a new name as appropriate.

Number of Copies Required for Filings

Q. How many copies are needed for the different types of filings?

- A. Initial tariffs – An original and 14 copies in standard format, 1 electronic copy (CD or diskette), and 14 copies in legislative format.
Tariff revisions – An original and 14 copies in standard format, 1 electronic copy (CD or diskette), and 14 copies in legislative format.
Promotions – An original and 14 copies in standard format and 1 electronic copy (CD or diskette). No copies in legislative format are required.
Interconnection Agreement and Amendments – An original and 14 copies and 1 electronic copy (CD or diskette).

Fees

Q. Where can I obtain a copy of the Commission filing fees?

- A. http://webapp.psc.state.md.us/Intranet/Filing%20Fees/FilingFees_new.cfm

Reporting Requirements

Q. What are the reporting requirements for CLECs and interexchange carriers?

- A. There are no required periodic reports for CLECs and interexchange carriers. All information required by the Commission will be obtained from forms mailed to carriers by the Commission.

Miscellaneous

Q. What are the rules/regulations with regard to disconnection notices to wholesale customers and/or the Commission of services for non-payment?

- A. Prior to disconnection of a telecommunications provider by an underlying carrier for non-payment of bills, the underlying carrier is required to inform the Commission of the non-payment in accordance with COMAR 20.45.04.14. <http://www.dsd.state.md.us/comar/comarhtml/20/20.45.04.14.htm>

Q. What are the requirements for discontinuance of local service by a telecommunications provider?

- A. The requirements for discontinuance of local service are included in COMAR 20.45.04.13. <http://www.dsd.state.md.us/comar/comarhtml/20/20.45.04.13.htm>

Q. How often is the applicable interest rate for customer security deposits calculated?

A. The interest rate is calculated annually, usually by the end of December. It is developed using the average 1-year Treasury rates for the months of September, October and November and is applicable for the following calendar year.

Q. Is there a Maryland law or regulation that prohibits the use of a Verizon residential phone for business purposes?

A. The Commission has accepted the existing Verizon Maryland tariffs currently on file and Verizon customers agree to abide by the conditions specified therein when they enter a commercial relationship with Verizon. The appropriate site which describes whether local exchange service is furnished at business or residential rates is Verizon Tariff Number 202, Section 1, pages 1-2.

<http://www.verizon.com/tariffs/PDFViewer.aspx?doc=164659>

Q. If a customer's account reflects a credit balance and they request a refund check, can the Company establish a minimum balance before a refund is generated? In other words, if the customer's credit was only \$1.00, would the Company still be required to issue a check?

A. Nothing in the regulations specifically addresses this issue. However, common practice in the industry is that a credit, regardless of the amount, is applied to future billings unless the customer specifically requests a refund or the account has been closed.

Q. When a customer requests a refund, how much time may elapse before the Company forwards a check?

A. There is no regulation regarding this time period, but common practice is one or two billing cycles.

Q. If a customer's account reflects a credit balance (most likely from overpayment on dial-around charges) and they do not request a refund check, how long should a Company allow the credit to remain on their account before the company issues a refund automatically?

A. There is no specific length of time specified in the regulations.

Q. If a Company is unable to locate a customer who is owed a refund, what should the Company do with the money owed to the customer?

A. Companies are required to maintain billing records for at least 3 years.

Q. Are Payphone Providers allowed to block incoming calls?

A. Not without prior authorization from the Commission.