

7812.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Act or federal act.** "Act" or "federal act" means the federal Telecommunications Act of 1996, Public Law 104-104, codified in United States Code, title 47, sections 153 to 614.

Subp. 3. **Alternative regulation plan or AFOR.** "Alternative regulation plan" or "AFOR" means an alternative to rate-of-return regulation of a local exchange carrier adopted pursuant to Minnesota Statutes, sections 237.76 to 237.774.

Subp. 4. **Applicant.** "Applicant" means a person filing a petition for certification to provide telecommunications services in Minnesota under parts 7812.0200 to 7812.0500.

Subp. 5. **Automatic location identification or ALI.** "Automatic location identification" or "ALI" means the automatic display, on equipment at the public safety answering point, of the telephone, including nonlisted and nonpublished telephone numbers and addresses, and other information about the caller's location.

Subp. 6. **ALI database provider.** "ALI database provider" means any person who provides automatic location identification to the basic emergency services provider and the governing body for a specific geographic area.

Subp. 7. **Automatic number identification or ANI.** "Automatic number identification" or "ANI" means the process used on customer-dialed calls to automatically identify the calling station.

Subp. 8. **Basic local service.** "Basic local service" means the services required under part 7812.0600 and any other services or terms determined by the commission to be integral to the basic communications, health, privacy, or safety needs of customers.

Subp. 9. **Central office.** "Central office" means a facility in a telecommunications system that provides service to the general public where the telephone lines of subscribers are joined to switching equipment that redirects calls to called parties or other central offices, or to the interexchange facilities of a carrier.

Subp. 10. **Certificate of authority or certificate.** "Certificate of authority" or "certificate" means a commission order authorizing the provision of telecommunications service under this chapter.

Subp. 11. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 12. **Competitive local exchange carrier or CLEC.** "Competitive local exchange carrier" or "CLEC" means:

A. a telecommunications carrier that is certified by the commission to provide local service; or

B. a telephone company to the extent it provides local service in an exchange area for which neither the company nor any of its predecessors was certified on August 1, 1995.

This subpart does not exempt a telephone company under Minnesota Statutes, section 237.01, subdivision 7, from the applicable requirements of Minnesota Statutes, chapter 237, including rate of return regulation or earnings investigations under Minnesota Statutes, section 237.075 or 237.081, and depreciation requirements under Minnesota Statutes, section 237.22.

Subp. 13. **Customer.** "Customer" means a person who has contracted with a local service provider for retail telecommunications service and has been billed by or on behalf of that provider for that service in the person's name or in the name of an agent or representative designated by the customer.

Subp. 14. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 15. **Eligible telecommunications carrier or ETC.** "Eligible telecommunications carrier" or "ETC" means a local service provider designated by the commission as eligible to receive federal universal service support in accordance with United States Code, title 47, section 254, and relevant federal regulations.

Subp. 16. **Emergency telephone service or 911.** "Emergency telephone service" or "911" means a telephone system using the three-digit number 911 to report police, fire, medical, or other emergency situations.

Subp. 17. **Enhanced 911 or E 911.** "Enhanced 911" or "E 911" means an emergency telephone service that includes automatic number identification and automatic location identification to facilitate public safety response.

Subp. 18. **End-user.** "End-user" means a person requesting, receiving, or using telecommunications service on a retail basis, regardless of whether that person is a customer.

Subp. 19. **Exchange area.** "Exchange area" means a geographic unit established by a local service provider and identified in the local service provider's tariff on file with the commission. It may consist of one or more central offices or wire centers together with associated facilities used to furnish telecommunications services in that area.

Subp. 20. **Extended area service or EAS.** "Extended area service" or "EAS" means interexchange calling for which a message toll charge is not assessed.

Subp. 21. **Facilities.** "Facilities" means the plant and equipment of a telecommunications service provider. This includes, but is not limited to, a telecommunications service provider's network facilities.

Subp. 22. **Facilities-based carrier.** "Facilities-based carrier" means a local service provider that relies on its own network facilities, in whole or in part, for providing local service.

Subp. 23. **Facilities-based service.** "Facilities-based service" means service offerings provided, in whole or in part, through the telecommunications service provider's own network facilities.

Subp. 24. **FCC.** "FCC" means the Federal Communications Commission.

Subp. 25. **FCC interconnection rules.** "FCC interconnection rules" means the rules adopted by the Federal Communications Commission pursuant to the federal Telecommunications Act of 1996, United States Code, title 47, section 251, subsection (d), and codified at Code of Federal Regulations, title 47, sections 51.1 to 51.809.

Subp. 26. **Interexchange service.** "Interexchange service" means telecommunications service between exchanges as defined in a local exchange service provider's tariff.

Subp. 27. **Interexchange trunks.** "Interexchange trunks" means transmission facilities used to transport telecommunications traffic between exchanges or central offices.

Subp. 28. **Local calling area.** "Local calling area" means the area within which calls originate and terminate without a toll charge.

Subp. 29. **Local exchange carrier or LEC.** "Local exchange carrier" or "LEC" means a telephone company that is authorized to provide local telephone service in Minnesota under Minnesota Statutes 1994, section 237.16, subdivision 2.

Subp. 30. **Local loop.** "Local loop" means the transmission path capable of transporting analog or digital signals from a network interface at a customer's premises to a central office switching device, distribution frame, or similar demarcation point.

Subp. 31. **Local niche service.** "Local niche service" refers to point-to-point connections between end-user locations within a service area and any telecommunications services under the commission's jurisdiction that do not fall within the definition of local service or the definition of interexchange service.

Subp. 32. **Local niche service provider.** "Local niche service provider" means a telecommunications carrier that provides local niche service pursuant to a certificate of authority granted by the commission.

Subp. 33. **Local service.** "Local service" means dial tone, access to the public switched network, and any related services provided in conjunction with dial tone and access, including services that may be required under part 7812.0600. Local service does not include local niche service.

Subp. 34. **Local service provider or LSP.** "Local service provider" or "LSP" means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

Subp. 35. **Network element.** "Network element" means a functional capability of a network, disaggregated from other network capabilities and made available to other carriers and end-users separately from all other network capabilities. Network elements include, but are not limited to, the local loop, switching functions, ports, and trunks.

Subp. 36. **Network facilities.** "Network facilities" means a telecommunications service provider's facilities other than those used exclusively by a reseller to provide resale service.

Subp. 37. **Number portability.** "Number portability" means the ability of customers to retain their existing telephone numbers, consistent with the requirements established by the Federal Communications Commission, notwithstanding changes in location of service, type of service, or local service provider.

Subp. 38. **Office of Attorney General-Residential Utilities Division or OAG-RUD.** "Office of Attorney General-Residential Utilities Division" or "OAG-RUD" refers to the Residential and Small Business Utilities Division of the Minnesota Attorney General's Office.

Subp. 39. **Person.** "Person" means an individual; a firm, company, limited liability company, partnership, limited liability partnership, corporation, cooperative, and any other commercial or business entity, however organized; any form of municipality including a county, statutory or home rule charter city, and town; and any other political subdivision or agency of the state including, but not limited to, a metropolitan council or commission, school district, joint powers authority, port authority, special service district, regional development commission, and their agencies, as well as any combination of them.

Subp. 40. **Port.** "Port" means a mechanism allowing access to switching functions, including dial tone generation, origination, and termination of local and long-distance calls.

Subp. 41. **Public safety answering point or PSAP.** "Public safety answering point" or "PSAP" means a facility equipped and staffed to receive and direct the disposition of 911 calls from the basic emergency service provider.

Subp. 42. **Resale service.** "Resale service" refers to service that is purchased on a wholesale basis from a local service provider and then resold on a retail basis to end-users.

Subp. 43. **Reseller.** "Reseller" means a local service provider that provides local service to end-users without using its own network facilities, or the unbundled network elements of a local exchange carrier.

Subp. 43a. **Rural exemption.** "Rural exemption" means the exemption from the obligations of United States Code, title 47, section 251, subsection (c), granted to a rural telephone company pursuant to United States Code, title 47, section 251, subsection (f), paragraph (1).

Subp. 43b. **Rural telephone company.** "Rural telephone company" has the meaning given in United States Code, title 47, section 153, paragraph (37).

Subp. 44. **Service area.** "Service area" means the geographic area in which a local service provider offers local service pursuant to its certificate of authority under part 7812.0200.

Subp. 44a. [Repealed, 22 SR 2079]

Subp. 44b. **Study area.** "Study area" means the area designated for a particular local exchange carrier by the FCC.

Subp. 45. **Telecommunications.** "Telecommunications" means any transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Subp. 46. **Telecommunications carrier.** "Telecommunications carrier" means a person, firm, association, or corporation as defined in Minnesota Statutes, section 237.01, subdivision 6.

Subp. 47. **Telecommunications service.** "Telecommunications service" means the offering of telecommunications under the commission's jurisdiction for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Subp. 48. **Telecommunications service provider.** "Telecommunications service provider" means any provider of telecommunications service.

Subp. 49. **Telephone company.** "Telephone company" means a person, firm, association, or other entity, as defined in Minnesota Statutes, section 237.01, subdivision 7.

Subp. 50. **Total service long-run incremental cost or TSLRIC.** "Total service long-run incremental cost" or "TSLRIC" has the meaning given in Minnesota Statutes, section 237.772, subdivision 1.

Subp. 51. **Universal service area.** "Universal service area" means:

A. with respect to a rural telephone company, the local exchange carrier's study area or any other area designated jointly by the commission and the FCC pursuant to Code of Federal Regulations, title 47, section 54.203, paragraphs (c) and (d); or

B. the exchange area, or a different geographic unit identified by the commission under part 7812.1400, subpart 3, of a local exchange carrier unless the commission has found the local exchange carrier to be a rural telephone company.

Statutory Authority: *MS s 216A.05; 237.10; 237.16; 237.71*

History: *22 SR 46; 22 SR 2079; L 2001 1Sp4 art 6 s 1*

Published Electronically: *October 24, 2005*