

CHAPTER 7810

PUBLIC UTILITIES COMMISSION

TELEPHONE UTILITIES

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7810.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following meanings will be ascribed to the phrases listed below.

Subp. 2. **Average busy season, busy hour traffic.** "Average busy season, busy hour traffic" means the average traffic volume for the busy season, busy hours.

Subp. 3. **Base rate area.** “Base rate area” means that contiguously developed portion or portions within each exchange service area as set forth in the telephone utility’s tariff, maps, or descriptions. Main station service within this contiguous area is furnished at uniform rates without mileage charges.

Subp. 4. **Business service.** “Business service” means telecommunications service provided a customer where the use is primarily or substantially of a business, professional, institutional, or otherwise occupational nature.

Subp. 5. **Busy hour.** “Busy hour” means the two consecutive half-hours during which the greatest volume of traffic is handled in the office.

Subp. 6. **Busy season.** “Busy season” means that period of the year during which the greatest volume of traffic is handled in the office.

Subp. 7. **Calls.** “Calls” means customers telephone messages attempted.

Subp. 8. **Central office.** “Central office” means a switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than one central office in a building.

Subp. 9. **Channel.** “Channel” means a path for communication between two or more stations or telephone utility offices, furnished in such a manner as the carrier may elect, whether by wire, radio, or a combination thereof and whether or not by a single physical facility or route.

Subp. 10. **Class of service.** “Class of service” means a description of telecommunications service furnished by a customer which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate or message rate). Classes of service are usually subdivided in “grades,” such as individual line, two-party, or four-party.

Subp. 11. **Commission.** “Commission” means the Minnesota Public Utilities Commission.

Subp. 12. **Customer or subscriber.** “Customer or subscriber” means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telecommunications service by any telephone utility.

Subp. 13. **Customer trouble report.** “Customer trouble report” means any oral or written report from a subscriber or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

Subp. 14. **Exchange.** “Exchange” means a unit established by a telephone utility for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunication services in that area.

Subp. 15. **Exchange service area.** “Exchange service area” means the geographical territory served by an exchange, usually embracing a city, town, or village and its environs.

Subp. 16. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 17. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 18. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 19. **Intercept service.** “Intercept service” means a service arrangement provided by the utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

Subp. 20. **Interexchange trunks.** “Interexchange trunks” means transmission paths, including the conductor or conductors and associated equipment, connecting two exchanges.

Subp. 21. **Line.** “Line” means a general term used in the communication industry in several different senses, the most important of which are:

A. the conductor or conductors and supporting or containing structures extending between customer stations and central offices, or between central offices whether they be in the same or different communities;

B. the conductors and circuit apparatus associated with a particular communication channel; and

C. any communication channel between two points disregarding the method of its derivation.

Subp. 22. **Local calling area.** “Local calling area” means the area within which telecommunication service is furnished customers under a specific schedule or exchange rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

Subp. 23. **Local exchange service.** “Local exchange service” means telecommunication service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.

Subp. 24. **Local message.** “Local message” means a completed call between stations located within the same local calling area.

Subp. 25. **Local message charge.** “Local message charge” means the charge that applies for a completed telephone call that is made when the calling station and the stations to which the connection is established are both within the same local calling area, and a local message charge is applicable.

Subp. 26. **Local service charge.** “Local service charge” means the charge for furnishing facilities to enable a customer to send or receive telecommunications within the local service calling area. This local service calling area may include one or more exchange service areas.

Subp. 27. **Long distance telecommunications service.** “Long distance telecommunications service” means that part of the total communication service rendered by a utility which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the utility’s tariff.

Subp. 28. **Message.** “Message” means a completed customer telephone communication.

Subp. 29. **Outside plant.** “Outside plant” means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-way between the central office and customers’ locations or between central offices.

Subp. 30. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 31. **Public telephone service.** “Public telephone service” means an individual line customer service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

Subp. 32. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 33. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 34. **Subscriber line.** “Subscriber line” means the wires or channels used to connect the telephone equipment at the subscriber’s premises with the central office.

Subp. 35. **Switching service.** “Switching service” means switching performed for service station lines.

Subp. 36. **Tariff.** “Tariff” means the entire body of rates, tolls, rentals, charges, classifications, and rules, adopted and filed with the commission by a telephone utility or other carriers.

Subp. 37. **Telephone utility.** “Telephone utility” means any person, firm, partnership, cooperative organization, or corporation engaged in the furnishing of telecommunication service to the public under the jurisdiction of the commission.

Subp. 38. **Toll connecting trunks.** "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office, except trunks classified as tributary circuits.

Subp. 39. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 40. **Traffic.** "Traffic" means a telephone call volume, based on number and duration of messages.

Statutory Authority: *MS s 237.10*

History: *L 2004 c 261 art 3 s 1*

7810.0200 SCOPE.

This chapter shall apply to any telephone utility operating within the state of Minnesota, under the jurisdiction of the Public Utilities Commission. This chapter governs the furnishing of communications service and facilities to the public by communications utilities subject to the jurisdiction of the commission. The purpose of this chapter is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the commission for the modification of the rule or for temporary or permanent exemption from its requirements.

The adoption of this chapter shall in no way preclude the commission from altering or amending it, pursuant to its statutory procedure, or from making such modifications with respect to its application as may be found necessary to meet exceptional conditions.

This chapter shall in no way relieve any utility from any of its duties under the laws of this state or from any other rules or directives of this commission.

Statutory Authority: *MS s 237.10*

7810.0300 STATUTORY AUTHORITY.

The Public Utilities Commission law provides that the commission shall have the power to make such reasonable rules as it deems necessary to carry out the provisions of this law and any other law relating to the commission.

Statutory Authority: *MS s 237.10*

RECORDS AND REPORTS

7810.0400 RETENTION OF RECORDS.

Each telephone utility shall maintain records of its operations in sufficient detail to permit review of its service performance, and such records shall be made available to the commission upon request. All records required by this chapter shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the commission.

Statutory Authority: *MS s 237.10; 237.11*

7810.0500 DATA TO BE FILED WITH THE COMMISSION.

Subpart 1. **Tariffs.** Each telephone utility shall have its tariff on file with the commission in accordance with the rules governing the filing of tariffs as prescribed by the commission.

Subp. 2. **Exchange maps.** Each telephone utility shall have on file with the commission an exchange area boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area which the telephone utility holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall include location of highways, section lines, geographic township and range lines, railroads, and water ways outside municipalities. Maps generally shall contain detail as shown on county

highway maps. The map scale and other detail shall be shown as required by the commission. Data associated with the exchange map shall be immediately available for public information at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed.

Subp. 3. **Service reports.** Each utility shall furnish to the commission, at such times and in such form as the commission may require, the results of any tests, summaries, or records. The utility shall also furnish the commission with any information concerning the utility's facilities or operations which may be requested.

Statutory Authority: *MS s 237.07; 237.10; 237.11; 237.16*

7810.0600 REPORT TO COMMISSION ON SERVICE DISRUPTION.

Each telephone utility shall report promptly to the commission any specific occurrence or development which disrupts the service of a substantial number of its customers or which may impair the utility's ability to furnish service to a substantial number of customers.

Statutory Authority: *MS s 237.10; 237.11*

7810.0700 [Repealed, L 2004 c 261 art 3 s 1]

7810.0800 BILLING RECORDING EQUIPMENT.

Where mechanical and/or electronic means are used for recording information that will affect a customer's bill, such equipment shall be frequently inspected to see that it is functioning properly and the utilities shall keep records of such inspections.

Statutory Authority: *MS s 237.10*

7810.0900 LOCATION OF RECORDS.

Unless otherwise authorized by the commission, all records required by this chapter shall be kept within the state or shall be made available to the commission or its authorized representatives at any time upon request.

Statutory Authority: *MS s 237.10; 237.11*

CUSTOMER RELATIONS

7810.1000 INFORMATION AVAILABLE TO CUSTOMER AND PUBLIC.

Subpart 1. **Access to information provided.** Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error and to generally act as representatives of the utility. If one business office serves several communities, toll-free calling from such communities to that office shall be provided.

Subp. 2. **Information available to public.** Access to the following information shall be made available at the business office upon request:

A. copies of all tariffs as described in this chapter applicable to the area served by the business office;

B. maps showing exchange, base rate area and zone boundaries, if applicable, in sufficient size and detail from which all customer locations can be determined and mileage or zone charges quoted;

C. publicly announced information as to the present intended future availability of specific classes of service at an applicant's location;

D. publicly announced information concerning plans for major service changes in the area served by the business office; and

E. information pertaining to services and rates as proposed in pending tariff or rate change filing.

Statutory Authority: *MS s 237.07; 237.10; 237.11*

7810.1100 COMPLAINT PROCEDURES.

Subpart 1. **Personnel available to hear inquiries and complaints.** The utility shall establish such procedures whereby qualified personnel shall be available during regular business hours to receive and, if possible, resolve all customer inquiries, requests, and complaints.

Subp. 2. **Investigation of complaints.** If any complaint cannot be promptly resolved, the utility shall contact the customer within five business days and at least once every 14 calendar days thereafter, and advise the customer regarding the status of its investigation until: the complaint is mutually resolved; or the utility advises the customer of the results of its investigation and final disposition of the matter; or the customer files a written complaint with the Public Utilities Commission or the courts.

Subp. 3. **Notification to Public Utilities Commission of complaint.** When the Public Utilities Commission forwards a customer complaint to the utility, the utility shall notify the commission within five business days regarding the status or disposition of the complaint.

Statutory Authority: *MS s 237.07; 237.10; 237.11*

7810.1200 RECORD OF COMPLAINT.

Each utility shall keep a record of all complaints received by it from its customers which shall be classified as directed by the Public Utilities Commission. The record shall show the name and address of the customer, the date and nature of the complaint, and its disposition and date thereof. The utility shall keep records of the customer complaints in such a manner as will enable it to review and analyze its procedures and actions.

Statutory Authority: *MS s 237.07; 237.10; 237.11*

7810.1300 REPORTING COMPLAINTS TO COMMISSION.

Each utility shall file an annual report on or before May 1 with the Public Utilities Commission containing the following information:

A. the total number of resolved and unresolved complaints by class of service and type of complaint;

B. the total number of lines in each class of service and the total number of lines increased during the past year; and

C. the names, addresses, and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the Public Utilities Commission regarding customer inquiries, service requests, and complaints. The utility shall keep this information current and if changes occur, the utility must inform the commission immediately of these changes.

All information must be verifiable and available for inspection and investigation by commission staff.

The utility must provide upon notice by the commission, an up-to-date report of this type prior to any hearing before the commission, or upon any official request of the commission.

The commission shall initially mail copies of the type of form to be used for this report to all utilities regulated hereunder.

Each utility shall initially file the prescribed annual report on or before May 1, 1979. This initial report will cover the utility's operations during the previous calendar year.

Statutory Authority: *MS s 237.07; 237.10; 237.11*

CUSTOMER BILLING; DEPOSIT AND GUARANTEE REQUIREMENTS**7810.1400 CUSTOMER BILLING.**

Subpart 1. **Bill.** Bills to customers shall be typed or machine-printed, rendered regularly, and shall contain an itemized listing of all charges and the period of time covered by the billing. Statements itemizing message toll charges shall be included in bills to customer.

Subp. 2. **Adjustment of bill due to interruption of service.** In the event a customer's service is interrupted otherwise than by negligence or willful act of the customer and it re-

mains out of order for 24 hours after being reported to the utility, adjustments shall be made to the customer, based upon the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service. If in the case of such interruption, service is restored on or before the day after it is reported or found by the company, no allowance will be made.

Subp. 3. Explanation of rates and charges. Upon the request of any customer or applicant, the utility shall provide an explanation of the rates, charges, and provisions applicable to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable that person to obtain the most economical communications service conforming to the person's stated needs. Applicants for telephone service shall be advised as to alternate services available to meet their stated communications requirements. This information may include printed explanations of alternate services and rates. Correspondingly, the utility shall notify its customers of any services and shall provide an estimate of the initial billing for basic monthly service, including fractional monthly amounts, plus any other applicable charges.

Statutory Authority: *MS s 237.10*

History: *17 SR 1279*

7810.1500 DEPOSIT AND GUARANTEE REQUIREMENTS.

The utility may require a deposit or guarantee of payment from any customer or applicant who has not established good credit with that utility. Deposit or guarantee of payment requirements as prescribed by the utility must be based upon standards which bear a reasonable relationship to the assurance of payment. The utility may determine whether a customer has established good credit with that utility, except as herein restricted:

A. A customer, who within the last 12 months has not had service disconnected for nonpayment of a bill and has not been liable for disconnection of service for nonpayment of a bill, and the bill is not in dispute, shall be deemed to have established good credit.

B. A utility shall not require a deposit or a guarantee of payment based upon income, home ownership, residential location, employment tenure, nature of occupation, race, color, creed, sex, marital status, age, national origin, or any other criteria which does not bear a reasonable relationship to the assurance of payment or which is not authorized by this chapter.

C. No utility shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of the customer. Any credit history so used shall be mailed to the customer in order to provide the customer an opportunity to review the data. Refusal of a customer to permit use of a credit rating or credit service other than that of a utility shall not affect the determination by the utility as to that customer's credit history.

Statutory Authority: *MS s 237.10*

History: *17 SR 1279*

7810.1600 DEPOSIT.

When required, a customer may assure payment by submitting a deposit. A deposit shall not exceed an estimated two months' gross bill or existing two months' bill where applicable. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the utility, except where such bill has been discharged in bankruptcy. A utility shall not require a deposit or a guarantee of payment without explaining in writing why that deposit or guarantee is being required and under what conditions, if any, the deposit will be diminished upon return. The deposit shall be refunded to the customer after 12 consecutive months of prompt payment of all bills to that utility. The utility may, at its option, refund the deposit by direct payment or as a credit on the bill. With notice any deposit of a customer shall be applied by the utility to a bill when the bill has been determined by the utility to be delinquent. Each utility shall issue a written receipt of deposit to each customer from whom a deposit is received and shall provide a means whereby a depositor may establish a claim if the receipt is unavailable.

Interest shall be paid on deposits in excess of \$20 at the rate of six percent per year. Interest on deposits shall be payable from the date of deposit to the date of refund or disconnection. The utility may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

Upon termination of service, the deposit with accrued interest shall be credited to the final bill and the balance shall be returned within 45 days to the customer.

Statutory Authority: *MS s 237.10*

7810.1700 GUARANTEE OF PAYMENT.

The utility may accept, in lieu of a deposit, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the deposit requirement is guaranteed. The term of such contract shall be for no longer than 12 months, but shall automatically terminate after the customer has closed and paid the account with the utility, or at the guarantor's request upon 60 days' written notice to the utility. Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon notice as prescribed in part 7810.2300. The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account the guarantor has guaranteed unless the guarantor waives such notice in writing.

Statutory Authority: *MS s 237.10*

History: 17 SR 1279

DISCONNECTION OF SERVICE; SERVICE DELAY

7810.1800 PERMISSIBLE SERVICE DISCONNECTIONS WITH NOTICE.

With notice a utility may disconnect service to any customer for any reason stated below. Notice must comply with the requirements of part 7810.2300:

- A. for failure of the customer to pay a bill for utility service when due;
- B. for failure of the customer to meet the utility's deposit and credit requirements;
- C. for failure of the customer to make proper application for service;
- D. for customer's violation of any of the utility's rules on file with the commission;
- E. for failure of the customer to provide the utility reasonable access to its equipment and property;
- F. for customer's breach of the contract for service between the utility and the customer;
- G. for a failure of the customer to furnish such service, equipment, and/or rights-of-way necessary to serve said customer as shall have been specified by the utility as a condition of obtaining service; or
- H. when necessary for the utility to comply with any order or request of any governmental authority having jurisdiction.

Statutory Authority: *MS s 237.10*

7810.1900 PERMISSIBLE SERVICE DISCONNECTIONS WITHOUT NOTICE.

Without notice a utility may disconnect service to any customer for any reason stated below:

- A. in the event of tampering with the utility's equipment;
- B. in the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utility's equipment, the public, or to employees of the utility; or
- C. in the event of a customer's use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.

Statutory Authority: *MS s 237.10*

7810.2000 NONPERMISSIBLE REASONS TO DISCONNECT SERVICE.

A utility may not disconnect service to any customer for any reason stated below:

A. delinquency in payment for services rendered to a previous customer who occupied the premises unless said customer continues to occupy the premises;

B. failure to pay for equipment or service not approved by the commission as an integral part of the utility service; or

C. failure to pay for a bill to correct a previous underbilling due to an inaccurate meter or billing error if the customer agrees to payment over a reasonable period of time.

Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for disconnection of residence service or vice versa.

Statutory Authority: *MS s 237.10*

7810.2100 MANNER OF DISCONNECTION.

Service shall not be disconnected on any Friday, Saturday, Sunday, or legal holiday, or at any time when the utility's business offices are not open to the public, except where an emergency exists.

Statutory Authority: *MS s 237.10*

7810.2200 RECONNECTION OF SERVICE.

In the event service has been disconnected for valid cause by the utility, the utility may charge a reconnect fee based on the cost of reconnection as stated in the utility's tariff on file with the commission. Notwithstanding the above provision, the utility shall not charge a reconnect fee for disconnection of service pursuant to part 7810.1900, item B, except if the hazard is caused by customer provided equipment.

Statutory Authority: *MS s 237.10*

7810.2300 NOTICE REQUIREMENTS.

All notices required by this chapter must precede the action to be taken by at least five days excluding Sundays and legal holidays. No notice may be given until the condition of which it informs presently exists. When required by this chapter, notice of impending action by the utility shall be by first class mail. Notice shall be sent to the address where service is rendered or to the address where the bill is sent if different from the address where service is rendered.

In lieu of mailing, notices may be delivered by a representative of the utility. Such notices must be in writing and receipt of them must be signed by the customer, if present, or some other member of the customer's family of responsible age, or the utility representative must make an affidavit under oath that the utility representative delivered the notice to the customer, or the customer's residence or business. A record of all notices and all affidavits required by this chapter must be kept on file by the utility and must be made available to the commission. Disconnection notices shall contain the date on or after which disconnection will occur, reason for disconnection, and methods of avoiding disconnection in normal, easy-to-understand language.

Statutory Authority: *MS s 237.10*

History: *17 SR 1279*

7810.2400 BILL DISPUTES.

Whenever the customer advises the utility's designated representative prior to the disconnection of service that any part of the bill as rendered or any part of the service which affects the amount of the bill is in dispute, the utility shall: investigate the dispute promptly; advise customer of investigation and its result; attempt to resolve dispute; withhold disconnection of service until the investigation is completed and the customer is informed of the findings of fact. Upon the findings of the utility, the customer must submit payment in full of any bill which is due. If the dispute is not resolved to the satisfaction of the customer, the customer must submit the entire payment and may designate the disputed portion to be placed in escrow with the utility. Such payment shall be called an escrow payment.

Statutory Authority: *MS s 237.10*

History: *17 SR 1279*

7810.2500 ESCROW PAYMENTS.

To submit a payment in escrow, the customer shall make payment of the amount due as shown on the bill through an escrow payment form clearly marked and provided by the utility. The escrow payment form must provide space for the customer to explain why the utility's resolution of the dispute is unsatisfactory to the customer. The form must be in three copies, one of which will be retained by the customer. A copy of the escrow payment form must be forwarded by the customer to the Public Utilities Commission. By submitting the escrow payment form to the commission, the customer is deemed to have filed an informal complaint against the utility, pursuant to the commission's rules of practice, parts 7829.0100 to 7829.3200. Any escrow payment to the utility may be applied by the utility as any normal payment received by the utility. After escrow payment has been made, the customer and the utility may still resolve the dispute to their mutual satisfaction.

Upon settlement of the dispute, any sums to which the customer is found to be entitled must be refunded to the customer and must be supplemented by a six percent per annum interest charge from the date of payment to the date of return by the utility.

Statutory Authority: *MS s 237.10*

History: *26 SR 1438*

7810.2600 WAIVING RIGHT TO DISCONNECT; EMERGENCY STATUS.

A customer may apply to the utility to waive its rights to disconnect. If the utility refuses to waive its right to disconnect, the customer may apply to the commission for emergency status. If the commission determines a customer has a probable hardship which may result in the disconnection of service for nonpayment, it may declare an emergency status to exist and order the utility to continue service for a period not to exceed 30 days.

Statutory Authority: *MS s 237.10*

7810.2700 WHEN NO DUTY TO SUSPEND DISCONTINUANCE OF SERVICE.

Notwithstanding anything herein to the contrary, the utility shall not be obligated to suspend discontinuance of service upon the filing for review with the commission, unless the customer shall pay, when due, all current bills rendered during the pendency. If, following the first filing for review with the commission, the same customer or any other person files for any subsequent review by the commission pertaining to the same account, such subsequent filings shall not relieve the customer from the obligations to pay for service rendered after the first filing. If subsequent requests for review are filed during the pendency of the first review, all designated disputed payments or portions thereof made after the first filing shall be considered to be made into escrow.

Statutory Authority: *MS s 237.10*

7810.2800 DELAY IN INITIAL SERVICE OR UPGRADE.

During such periods of time as telephone utilities may not be able to supply initial telephone service to an applicant or upgrade existing customers within 30 days after the day applicant desires service, the telephone utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new service or higher grade to the applicant. When, because of shortage of facilities, a utility is unable to supply main telephone service on dates requested by applicants, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made. Ninety percent of the utility's commitments to customers as to the date of installation of regular service orders shall be met excepting customer-caused delays and acts of God.

Statutory Authority: *MS s 237.10*

DIRECTORIES**7810.2900 CONTENT OF DIRECTORIES.**

Telephone directories shall be regularly published, listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request.

Statutory Authority: *MS s 237.10*

7810.3000 DIRECTORY ASSISTANCE.

Directory assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing directory assistance service.

Each telephone utility shall make every effort to list its customers with directory assistance as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names and post office addresses to eliminate "not found" numbers where the address is different from the address normally associated with an exchange directory.

Statutory Authority: *MS s 237.10*

7810.3100 CHANGES OR ERROR OF LISTED NUMBER.

In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party, either upon request or interception.

Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number, provided existing central office equipment will permit, and the customer so desires. Provided, however, the telephone utility may refuse to take such action for good and sufficient reason.

When additions or changes in plant, records, or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

Statutory Authority: *MS s 237.10*

ENGINEERING**7810.3200 CONSTRUCTION OF TELEPHONE PLANT.**

Construction of a telephone plant shall be subject to the provisions of the current National Electrical Safety Code or such other appropriate regulation as may be prescribed.

Statutory Authority: *MS s 237.10*

7810.3300 MAINTENANCE OF PLANT AND EQUIPMENT.

Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe and adequate service. Maintenance shall include keeping all plant and equipment in good state of repair consistent with safety and adequate service performance. Broken, damaged, or deteriorated parts which

are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise, induction, cross talk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

Statutory Authority: *MS s 237.10*

7810.3400 Subpart 1. [Repealed, L 2004 c 261 art 3 s 1]

Subp. 2. [Repealed, 26 SR 1438; L 2004 c 261 art 3 s 1]

7810.3500 [Repealed, L 2004 c 261 art 3 s 1]

7810.3600 [Repealed, L 2004 c 261 art 3 s 1]

7810.3700 [Repealed, L 2004 c 261 art 3 s 1]

7810.3800 [Repealed, L 2004 c 261 art 3 s 1]

7810.3900 EMERGENCY OPERATIONS.

Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators, or from fire, storm, or acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service. It is essential that all companies shall make reasonable provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered on short notice, and which can be readily connected. Each central office shall contain as a minimum four hours of battery reserve. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

Statutory Authority: *MS s 237.10*

7810.4000 CONSTRUCTION WORK NEAR UTILITY FACILITIES.

Even though all contractors working in the vicinity of utility lines or structures are responsible for exercising due diligence in preventing damage to utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning the location of underground conduit, cable, etc., in order to prevent any interruption of service to telephone customers. Nothing in this part is intended to affect the responsibility, liability, or legal rights of any party under applicable laws or statutes.

Statutory Authority: *MS s 237.10*

INSPECTIONS, TESTS, SERVICE REQUIREMENTS

7810.4100 ACCESS TO TEST FACILITIES.

Each telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

Statutory Authority: *MS s 237.10*

7810.4200 [Repealed, L 2004 c 261 art 3 s 1]

7810.4300 ACCURACY REQUIREMENTS.

All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read, and shall not involve approximations. All meters and/or recording devices shall accurately perform the following.

For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the

station which it is measuring. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call. When the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

Statutory Authority: *MS s 237.10*

7810.4400 [Repealed, L 2004 c 261 art 3 s 1]

7810.4500 [Repealed, L 2004 c 261 art 3 s 1]

7810.4600 [Repealed, L 2004 c 261 art 3 s 1]

7810.4700 [Repealed, L 2004 c 261 art 3 s 1]

7810.4800 [Repealed, L 2004 c 261 art 3 s 1]

7810.4900 ADEQUACY OF SERVICE.

Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off-periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.

Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

Statutory Authority: *MS s 237.081; 237.10*

7810.5000 UTILITY OBLIGATIONS.

Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this chapter. Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service. Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the commission.

Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

Statutory Authority: *MS s 237.081; 237.10*

7810.5100 TELEPHONE OPERATORS.

Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers. Telephone operators shall be instructed to be courteous, considerate, and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator-handled calls shall be carefully supervised and disconnects made promptly. When an operator is

notified by a customer that the customer has reached a wrong number on a direct-dialed call, the customer shall be given a bill credit when the claim has been substantiated.

Statutory Authority: *MS s 237.081; 237.10*

History: *17 SR 1279*

7810.5200 ANSWERING TIME.

Adequate forces shall be provided at local manual offices in order to assure that 95 percent of the calls will be answered within ten seconds. Ninety percent of repair service calls, calls to the business office, and other calls shall be answered within 20 seconds. An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.

Statutory Authority: *MS s 237.081; 237.10*

7810.5300 DIAL SERVICE REQUIREMENTS.

Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy season, busy hour:

A. Dial tone within three seconds on at least 98 percent of telephone calls. Dial tone delays of more than 2.6 percent of calls on a continuing basis indicates a need for investigative or corrective action.

B. Complete dialing of called numbers on at least 97 percent of telephone calls without encountering an all-trunks busy condition within the central office.

Statutory Authority: *MS s 237.081; 237.10*

7810.5400 INTEROFFICE TRUNKS.

Local interoffice trunks shall be provided so that at least 95 percent of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least 97 percent. When the completion rate falls below 95 percent on a continuing basis investigative or corrective action should be initiated.

Statutory Authority: *MS s 237.081; 237.10*

7810.5500 TRANSMISSION REQUIREMENTS.

Telephone utilities shall furnish and maintain adequate plant, equipment, and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross talk shall be such as not to impair communications.

Statutory Authority: *MS s 237.081; 237.10*

7810.5600 [Repealed, L 2004 c 261 art 3 s 1]

7810.5700 PUBLIC TELEPHONE SERVICE.

In each exchange located in an incorporated village the telephone utility shall supply at least one coin telephone that will be available to the public on a 24-hour basis. This coin telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility may also establish other public telephone service locations where the public convenience will be served. This requirement may be waived by the commission in cases of abusive vandalism or damage.

Statutory Authority: *MS s 237.081; 237.10*

7810.5800 INTERRUPTIONS OF SERVICE.

Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay. The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify

each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and serious interruption of service to a large number of customers.

Statutory Authority: *MS s 237.081; 237.10*

7810.5900 CUSTOMER TROUBLE REPORTS.

Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.

Statutory Authority: *MS s 237.081; 237.10*

7810.6000 PROTECTIVE MEASURES.

Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected. The utility shall give reasonable assistance to the commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

Statutory Authority: *MS s 237.10*

7810.6100 SAFETY PROGRAM.

Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

- A. require employees to use suitable tools and equipment in order that they may perform their work in a safe manner;
- B. instruct employees in safe methods of performing their work; and
- C. instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration.

Statutory Authority: *MS s 237.10*

ACCOUNTING

7810.6200 TELEPHONE ACCOUNTING RULES.

For purposes of accounting regulations the commission has grouped all telephone companies into the following classes:

- A. Class A: companies having average annual gross operating revenues of \$250,000 or more;
- B. Class B: companies having average gross operating revenues of \$100,000 but not more than \$250,000;
- C. Class C: companies having average annual gross operating revenues exceeding \$50,000 but not more than \$100,000; and
- D. Class D: companies having average gross operating revenues not exceeding \$50,000.

Statutory Authority: *MS s 237.10*

7810.6300 DETERMINATION OF CLASS.

The class to which a telephone company belongs shall be determined by the average of its annual gross operating revenues for the three preceding years. If, at the end of any calendar year, this average is greater than the maximum or less than the minimum for the class in which the company has been grouped, it shall be automatically grouped in the higher or lower class in which it falls. A telephone company beginning a new operation or extending its existing operations shall be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

A telephone company may, at its option, place itself in any group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the commission. A telephone company presently reporting as a class B company but having annual gross operating revenues of less than \$100,000 may continue reporting as a class B company.

Statutory Authority: *MS s 237.10*

7810.6400 UNIFORM SYSTEM OF ACCOUNTING.

A telephone company shall maintain its records and accounts in accordance with the applicable uniform system of accounts, and shall file its annual report for the previous calendar year on or before May 1 of each year on the report forms furnished by the commission. Applicable schedules of such report forms shall be completed in full.

Class A and class B telephone companies shall maintain their accounts in accordance with the uniform systems of accounts for class A and class B telephone companies prescribed by the Federal Communications Commission. Class C telephone companies shall maintain their accounts in accordance with the uniform system of accounts for telephone companies prescribed by this commission. Class D telephone companies shall maintain such records as will enable them to complete the annual report form prescribed and furnished by the commission.

Statutory Authority: *MS s 237.10*

7810.6500 ANNUAL REPORTS.

All telephone companies requesting a rate adjustment shall present exhibits including a detailed income statement and balance sheet for the latest calendar year as shown in regularly filed annual reports. Exhibits should also include the latest available data. An income statement for any period other than a calendar year must be for a full 12-month period. All telephone companies subject to reporting requirements of the commission shall file with each annual report a copy of annual stockholders report if such a report is printed. Should a company furnish quarterly reports to stockholders a copy of each such report shall also be filed with the commission. All telephone companies who furnish quarterly reports to a federal regulatory commission shall regularly file a copy of such reports with the commission.

Statutory Authority: *MS s 237.10*

LOBBYING EXPENDITURES**7810.6600 DEFINITIONS.**

Subpart 1. **Scope.** For the purpose of parts 7810.6600 to 7810.6800, the following definitions shall apply.

Subp. 2. **Lobbying expenditure.** "Lobbying expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing legislation or administrative action or supporting the election of any candidate to office. Lobbying expenditures also include the pro rata portion of salaries of lobbyists which represents the portion of their duties related to lobbying.

Subp. 3. **Lobbyist.** "Lobbyist" means any individual or association engaged for pay or other consideration or authorized by a telephone utility to spend money who, during a calendar year, spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legis-

lative or administrative action by communicating or urging others to communicate with public officials. No person engaged in formal rate cases before a regulatory body is by reason of such engagement a lobbyist.

Subp. 4. **Public official.** "Public official" means any:

- A. member of the legislature;
- B. person holding constitutional office in the executive branch and the chief administrative deputy;
- C. member of a state board or commission which has rulemaking authority, as "rule" is defined by Minnesota Statutes, section 14.02, subdivision 4;
- D. person employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of legislative research;
- E. person employed by the executive branch in any positions specified in Minnesota Statutes, section 15A.081; and
- F. member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board, or Metropolitan Airports Commission.

Subp. 5. **Utility nonoperating expense.** "Utility nonoperating expense" means expenditures associated with activities other than those resulting from the regular activity of supplying service to the consumer.

Subp. 6. **Utility operating expense.** "Utility operating expense" means expenditures associated with the direct or regular activity of supplying service to the consumer.

Statutory Authority: *MS s 237.10*

History: *17 SR 1279*

7810.6700 SCOPE.

Parts 7810.6600 to 7810.6800 apply to each telephone utility regulated under Minnesota Statutes, chapter 237.

Each telephone utility shall maintain accounts and records relating to lobbying expenditures and make them available for inspection by the commission upon request.

Statutory Authority: *MS s 237.10*

7810.6800 ACCOUNTING TREATMENT OF LOBBYING EXPENDITURES.

Each telephone utility shall cause subaccounts to be established for the sole purpose of recording lobbying expenditures.

Lobbying expenditures for utility operating expense shall be charged to a subaccount of other expenses.

Lobbying expenditures for utility nonoperating expense shall be charged to a subaccount of miscellaneous deductions from income.

The above accounts shall be effective the first day of January of the year following the year in which this part becomes effective for any lobbying expenditures subsequent to that date.

Statutory Authority: *MS s 237.10*

7810.6900 [Repealed, L 2004 c 261 art 3 s 1]

7810.7000 [Repealed, L 2000 c 436 s 3]

7810.7100 [Repealed, L 2000 c 436 s 3]

7810.7200 [Repealed, L 2000 c 436 s 3]

7810.7300 [Repealed, L 2000 c 436 s 3]

7810.7400 [Repealed, L 2000 c 436 s 3]

7810.7500 [Repealed, L 2000 c 436 s 3]

7810.7600 [Repealed, L 2000 c 436 s 3]

7810.7700 [Repealed, L 2000 c 436 s 3]

7810.7800 [Repealed, L 2000 c 436 s 3]

7810.7900 [Repealed, L 2000 c 436 s 3]

7810.8000 [Repealed, L 2000 c 436 s 3]

FILING REQUIREMENTS

7810.8100 PURPOSE.

The purpose of parts 7810.8100 to 7810.8815 is to describe the filing requirements for telephone companies under the jurisdiction of the commission for:

A. tariffs, price lists, and new service offerings under Minnesota Statutes, sections 237.06 and 237.07;

B. rate changes including general rate changes under Minnesota Statutes, section 237.075; and

C. miscellaneous tariff changes under Minnesota Statutes, section 237.63.

Statutory Authority: *MS s 237.10; 237.16; 237.74*

History: *16 SR 2163; 26 SR 1438*

7810.8200 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7810.8100 to 7810.8815 have the meanings given them in this part.

Subp. 2. **Attorney general's office.** "Attorney general's office" means the Residential and Small Business Utilities Division of the Office of the Attorney General.

Subp. 3. **Average.** "Average," when used in conjunction with rate base, means a 13-month average or an average of 12 monthly averages or a simple average of the beginning and ending data for a 12-month period when monthly data are not available.

Subp. 4. **Capital structure.** "Capital structure" means the total capitalization of the telephone company, such as outstanding common stock, paid-in surplus in excess of par value, retained earnings, preferred stock, long-term debt, and short-term debt.

Subp. 5. **Competitive service.** "Competitive service" means a service classified by Minnesota Statutes, section 237.59, subdivision 1, as subject to emerging competition or classified by commission order as subject to effective or emerging competition.

Subp. 6. **Cost increase rate change.** "Cost increase rate change" means a miscellaneous tariff change under Minnesota Statutes, section 237.63, subdivision 3, to increase the rate for a particular noncompetitive service on grounds that the actual costs of providing that particular service have increased. A cost increase rate change must be a cost change related to a particular service rather than a general overall increase applicable to most of the company's services, and an actual change in costs must have occurred rather than the discovery of a change in costs as a result of conducting a new cost study.

Subp. 7. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 8. **Effective competition.** "Effective competition" exists when the commission determines that the criteria of Minnesota Statutes, section 237.59, subdivision 5, paragraphs (a) and (b), have been satisfied for a service.

Subp. 9. **Embedded cost of capital.** "Embedded cost of capital" means the weighted average cost of outstanding issues of long-term debt, short-term debt, and preferred stock in the capital structure, expressed as a sum of percentages. The sum of percentages is determined by multiplying the cost of each issue of long-term debt, short-term debt, or preferred stock by the ratio of the amount of that issue to the total amount of long-term debt, short-term debt, or preferred stock, respectively.

Subp. 10. **Emerging competition.** "Emerging competition" exists for services listed in Minnesota Statutes, section 237.59, subdivision 1. Emerging competition also exists when

the commission determines that it exists under Minnesota Statutes, sections 237.57, subdivision 4, and 237.59, subdivisions 2 to 6.

Subp. 11. **Final rates.** “Final rates” means permanent rates ordered into effect by the commission under Minnesota Statutes, sections 237.075 and 237.081.

Subp. 12. **Fiscal year.** “Fiscal year” means the telephone company’s accounting period of 12 successive calendar months. Fiscal year may be a calendar year beginning January 1 and ending December 31.

Subp. 13. **General rate change.** “General rate change” means a change in rates for which the telephone company’s gross revenue requirement must be determined to evaluate the reasonableness of the change in rates under Minnesota Statutes, sections 237.075 and 237.081, subdivision 2, paragraph (b).

Subp. 14. **Individually priced service.** “Individually priced service” means a telephone service or service element priced on a unique or individual basis under Minnesota Statutes, sections 237.07 and 237.071.

Subp. 15. **Interim rates.** “Interim rates” means temporary rates ordered into effect by the commission under Minnesota Statutes, section 237.075, subdivision 3.

Subp. 16. **Jurisdictional.** “Jurisdictional” refers to those Minnesota operations of a telephone company that are subject to regulation by the commission under Minnesota Statutes, chapters 216, 216A, and 237.

Subp. 17. **Language change.** “Language change” means a miscellaneous tariff change under Minnesota Statutes, section 237.63, subdivision 2, that changes the language describing the rate, price, term, or condition of a service that does not substantially alter the application of the tariff or price list.

Subp. 18. **Minnesota company.** “Minnesota company” refers to the Minnesota combined interstate and intrastate operations of a telephone company.

Subp. 19. **Miscellaneous tariff change.** “Miscellaneous tariff change” means a tariff change under Minnesota Statutes, section 237.63, which does not require a determination of the company’s gross revenue requirement to evaluate the reasonableness of the proposed tariff change.

Subp. 20. **Noncompetitive service.** “Noncompetitive service” means a service not classified by Minnesota Statutes, section 237.59, subdivision 1, as subject to emerging competition or classified by commission order as subject to effective or emerging competition.

Subp. 21. **Present rates.** “Present rates” means the current commission–approved rates.

Subp. 22. **Previous fiscal year.** “Previous fiscal year” means the company’s most recently completed fiscal year as of the filing date that has an ending date before the end of the proposed test year.

Subp. 23. **Price list.** “Price list” means a schedule filed with the commission and the department under Minnesota Statutes, section 237.07, and part 7810.8400, showing the company’s rates, regulations, classifications of services, and practices observed for services subject to emerging competition.

Subp. 24. **Rate.** “Rate” means the amount of compensation, price, charge, toll, rental, or classification observed, charged, or collected for a service or element of service; and the rules, regulations, and practices that are subject to regulation by the commission under Minnesota Statutes, chapters 216, 216A, and 237.

Subp. 25. **Rate change or change in rates.** “Rate change” or “change in rates” means a change in the amount or the elimination of compensation, price, charge, toll, rental, or classification observed, charged, or collected for a service or element of service; a change in the rules, regulations, or practices; or the withdrawal of schedules incorporating those rates that are subject to regulation by the commission under Minnesota Statutes, chapters 216, 216A, and 237.

Subp. 26. **Rate element.** “Rate element” means a telephone service or component of telephone service for which there is a separate rate.

Subp. 27. **Tariff.** “Tariff” means a schedule filed with the department under Minnesota Statutes, section 237.07, and part 7810.8400, showing the company’s rates, regulations, classifications of services, and practices observed for noncompetitive services.

Subp. 28. **Telephone company or company.** “Telephone company” or “company” means a telephone company as defined in Minnesota Statutes, section 237.01, subdivision 7.

Subp. 29. **Test year.** “Test year” means the period of 12 successive months used for evaluating a need for a change in rates.

Subp. 30. **Total company.** “Total company” means the interstate and intrastate telephone operations of a company in the states in which the company as a legal entity is entitled to operate.

Subp. 31. **Weighted cost of capital.** “Weighted cost of capital” means the total cost of capital, expressed as a sum of percentages, each of which is determined by multiplying each component’s cost in the capital structure by the ratio of the amount of that component to the total capitalization of the telephone company.

Statutory Authority: *MS s 216A.05; 237.10; 237.16; 237.74*

History: *16 SR 2163; L 2001 1Sp4 art 6 s 1; 26 SR 1438*

7810.8300 SCOPE.

Parts 7810.8100 to 7810.8815 apply to telephone companies regulated by the commission under Minnesota Statutes, chapters 216, 216A, and 237, and their regulated services.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.16; 237.57 to 237.64; 237.74*

History: *16 SR 2163; 26 SR 1438*

TARIFFS, PRICE LISTS, NEW SERVICES

7810.8400 TARIFFS AND PRICE LISTS.

Subpart 1. **Tariffs and price lists.** A telephone company shall keep on file with the department its tariffs and price lists showing or referencing specific rates, tolls, rentals, and other charges for the services offered by it either alone or jointly and concurrently with other telephone companies. The tariffs or price lists must also include the regulations, classifications, practices, and limitations on liability of the telephone company. The tariffs and price lists must:

A. identify separately each telephone service and state, or by reference provide, the classifications, rates, charges, tolls, rules, regulations, and practices applicable to each service;

B. identify whether the service classification is subject to emerging competition; and

C. describe each service and the conditions that relate to each service.

Subp. 2. **Individually priced services.** A telephone company shall file with the department and the commission its:

A. contracts for individually priced noncompetitive services that are not subject to specific tariff provisions; and

B. statements of charges for individually priced emerging competitive services.

For purposes of this subpart, “statement of charges” means the unique customer identifier such as a letter of the alphabet or a number, but not the customer’s name, the compensation received, a description of the services provided, and the duration of the service period for individually priced services.

Subp. 3. **Proposed rates.** Proposed rates, whether final or interim pending suspension and investigation by the commission, must be filed as new or revised pages to the tariff book or price list on file with the department and show the proposed effective dates. New or revised tariff or price list pages must be in a format consistent with the currently filed tariff or

price list to allow comparison with the currently filed tariff or price list. A revised tariff or price list page must contain the revision number and the page number it is revising.

Subp. 4. Charges per unit. Rates for services must show the applicable charges in dollars and cents per unit.

Subp. 5. Tariffs and price lists no longer in effect. Tariffs and price lists remain in effect until superseded by tariffs and price lists subsequently filed, canceled, or withdrawn under the procedures in parts 7810.8100 to 7810.8815 or as ordered by the commission.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.16; 237.57 to 237.64; 237.74*

History: *16 SR 2163; 26 SR 1438*

7810.8500 NEW SERVICE OFFERINGS.

A telephone company shall file the following information with the department and the commission for each new service offering. The information must:

A. identify and describe separately each new telephone service and state separately the rates applicable to each;

B. include any new or revised page to the tariff book or price list in a format consistent with the currently filed tariff or price list and, if a revised page, contain the revision number and the page number it is revising;

C. include information explaining the estimated impact on the company's revenues and expenses for noncompetitive services as a result of the new service offering; and

D. include an incremental cost-of-service study demonstrating that the rate for each new emerging competitive service offering is above incremental cost.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.16; 237.57 to 237.64; 237.74*

History: *16 SR 2163; 26 SR 1438*

GENERAL RATE CHANGES

7810.8600 NOTICE.

A notice of a general rate change must include:

A. a petition for a general rate change as prescribed in part 7810.8605;

B. the tariff and price list information as prescribed in part 7810.8400, subpart 1;

C. a list of the tariff and price list page numbers not affected by the proposed change;

D. the informational requirements in parts 7810.8610 to 7810.8690;

E. a proposed written notice of the proposed change in rates to the governing body of each municipality and county in the area affected and a list of those municipalities and counties; and

F. a proposed customer notice for interim rates and proposed final rates.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8605 PETITION.

A general rate change petition must include:

A. the legal name, address, and telephone number of the company and its designated contact person;

B. the name, address, and telephone number of the attorney if the company will be represented by an attorney;

C. the date of the filing, which is the date the commission receives the company's filing or the date designated by the company, whichever is later, and the proposed effective date of the proposed change in rates;

D. a statement of the purpose of the change in rates and a description of the proposed change in rates;

E. the signature and title of the telephone company officer or company representative authorizing the proposal;

F. the statutory authority, including subdivisions or paragraphs, for the proposed change;

G. an identification of the test year proposed by the telephone company with justification for the selection of the proposed test year;

H. the effect of the proposed changes in rates expressed both as the total dollar change and the percentage change in the total jurisdictional revenue in the test year;

I. the effect of the proposed changes in rates expressed both as the total dollar change and the percentage change in the jurisdictional revenue in the test year for major categories of services for which the company is proposing a rate change; and

J. a jurisdictional financial summary schedule that complies with part 7810.8620, subpart 1.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8610 EXPERT TESTIMONY AND SUPPORTING EXHIBITS.

A general rate change notice must include expert testimony and exhibits in support of the telephone company's proposed general rate change. The testimony and exhibits must be presented by telephone company personnel or other expert witnesses as considered appropriate by the company. The company's chief executive officer or other company officer shall provide expert testimony in support of the proposed general rate change. Expert testimony must contain statements of fact, expert opinion, and explanations of the supporting exhibits. The expert testimony of a witness must be written in question and answer format. The preparer of the expert testimony or the person under whose supervision it was prepared must be identified. Each page of the expert testimony must be numbered sequentially. Each line of the expert testimony must also be numbered sequentially beginning with line one on each new page. Supporting exhibits must be consistent with the information required by parts 7810.6200 to 7810.6400 and 7810.8610 to 7810.8650. The company shall identify expert witnesses responsible for the information required by parts 7810.8610 to 7810.8650.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8615 TEST YEAR.

Subpart 1. **General requirement; test period defined.** A general rate change notice must include test year data used to establish proposed final rates for the test period. The telephone company shall submit testimony explaining why the test year is appropriate to the test period. The telephone company shall show whether it proposes a historical or projected test year.

For purposes of this part, "test period" means the period during which the rates based on the test year data are in effect.

Subp. 2. **Historical test year.** The proposed test year is a historical test year if the filed data include:

A. at least nine months of actual, historical jurisdictional test year data; and

B. a notice of the company's intention to update the data to 12 months of actual, historical jurisdictional test year data if less than 12 months of actual, historical jurisdictional data is provided.

The company shall file the data once and no later than 100 days after the original general rate change notice is filed.

Either an average or year-end rate base may be used. If a year-end rate base is selected, a year-end capital structure must be shown and the operating income statement must be ad-

justed to year-end levels. If an average rate base is selected, an average capital structure or a year-end capital structure may be shown.

Subp. 3. Projected test year. The proposed test year is a projected test year if the filed data include fewer than nine months of actual, historical jurisdictional data. A projected test year must start no later than the date the general rate change notice is filed.

For a projected test year, an average rate base and average capital structure must be used. An operating income statement must not be adjusted to a year-end level but may reflect known and measurable changes during the projected test year. The telephone company's average rate base and operating income statement for a projected test year must be based on the construction and operating budgets approved by the telephone company's officials, including approved changes, for the period encompassed by the projected test year.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8620 JURISDICTIONAL FINANCIAL SUMMARY SCHEDULE.

Subpart 1. Test year data. A general rate change notice must include a financial summary schedule for the test year. The financial summary schedule must be a one-page summary showing:

- A. the proposed rate base amount;
- B. the proposed rate of return;
- C. the proposed net operating income requirement;
- D. the net operating income under present rates; and
- E. the calculation of:
 - (1) the net operating income deficiency;
 - (2) the gross revenue deficiency;
 - (3) the gross revenue from present rates; and
 - (4) the gross revenue requirement.

Subp. 2. Previous fiscal year data. A general rate change notice must include a financial summary schedule for the previous fiscal year. The financial summary schedule of the previous fiscal year must be a one-page summary showing:

- A. the actual unadjusted average rate base consisting of the same components as the proposed test year rate base;
- B. the earned rate of return;
- C. the net operating income requirement;
- D. the unadjusted net operating income; and
- E. the calculation of:
 - (1) the net operating income deficiency;
 - (2) the gross revenue deficiency;
 - (3) the gross revenue from present rates; and
 - (4) the gross revenue requirement.

The operating income requirement must be calculated with the weighted cost of capital for the previous fiscal year as calculated in part 7810.8640, subpart 1, item B.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8625 RATE BASE SCHEDULES.

Subpart 1. Summary schedule. A general rate change notice must include summary schedules containing:

- A. the proposed jurisdictional rate base by major rate base component such as:

(1) telephone plant in service, less accumulated depreciation reserve to show net investment in telephone plant in service;
 (2) cash working capital;
 (3) plant held for future use;
 (4) short-term telephone plant under construction;
 (5) materials and supplies; and
 (6) deductions for capital not supplied by investors, such as accumulated deferred income taxes, pre-1971 unamortized investment tax credits, and customer deposits; and

B. the unadjusted average jurisdictional rate base amounts for the previous fiscal year, for each major component.

Subp. 2. Comparing rate base amounts. A general rate change notice must include the following comparison schedules by detailed rate base component:

A. a schedule showing unadjusted total company, unadjusted Minnesota company, and unadjusted jurisdictional rate base amounts for the test year;

B. a schedule showing unadjusted jurisdictional amounts; Minnesota state border-line adjustments, if any; company proposed jurisdictional adjustments; and proposed jurisdictional rate base amounts for the test year; and

C. a schedule showing unadjusted total company, unadjusted Minnesota company, and unadjusted jurisdictional rate base amounts for the previous fiscal year.

Subp. 3. Adjustments. A general rate change notice must include schedules listing the proposed adjustments included in subpart 2. The schedules must reflect the title and amount of each proposed adjustment and show the rate base components affected by the adjustment.

Subp. 4. Interstate and jurisdictional factors. A general rate change notice must include a schedule by rate base component, showing the separation factors used in separating the jurisdictional amounts for the test year and the previous fiscal year from the unadjusted Minnesota company rate base amounts.

Subp. 5. [Repealed, 26 SR 1438]

Subp. 6. Assumptions and approaches. If a projected test year is proposed, a general rate change notice must include a summary schedule, by major rate base component, of the assumptions made and approaches used in determining Minnesota company and jurisdictional average rate base for the test year.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.16; 237.57 to 237.64; 237.74*

History: *16 SR 2163; 26 SR 1438*

7810.8630 OPERATING INCOME SCHEDULES.

Subpart 1. Categories; other filing requirements. Operating income schedules must be included in each general rate change notice and must specify revenues, expenses, and taxes according to the categories shown in items A to D.

A. The schedules must show operating revenues in categories such as local network services, network access services, long-distance network services, and miscellaneous. Similar revenue categories are found in the Uniform System of Accounts Revised, Code of Federal Regulations, title 47, part 32, as amended through June 1, 1990.

B. The schedules must show operating expenses in categories such as network support, general support, central office switching, central office transmission, information origination or termination, cable and wire facilities, network operations, customer services, executive and planning, and general and administrative. Similar expense categories are found in the Uniform System of Accounts Revised, Code of Federal Regulations, title 47, part 32, as amended through June 1, 1990. Operating expenses for the categories of depreciation, amortization, pension, and employee benefits must be shown in a separate supporting schedule.

C. The schedules must show operating taxes specifying current and deferred federal and state income taxes, net investment tax credits, property taxes, gross receipt taxes, and other operating taxes as applicable.

D. The schedules must show nonoperating expenses that show the related taxes for which the company seeks reimbursement.

Subp. 2. **Summary schedules.** A general rate change notice must include operating income summary schedules showing the proposed jurisdictional operating income statement for the test year under present rates and the unadjusted jurisdictional operating income statement for the previous fiscal year.

Subp. 3. **Comparing operating income amounts.** A general rate change notice must include the following comparison schedules by detailed operating income statement component:

A. a schedule showing unadjusted total company, unadjusted Minnesota company, and unadjusted jurisdictional operating income statement amounts for the test year;

B. a schedule showing unadjusted jurisdictional amounts; Minnesota state border-line adjustments, if any; company proposed jurisdictional adjustments; and proposed jurisdictional operating income statement amounts for the test year under present rates; and

C. a schedule showing unadjusted total company, unadjusted Minnesota company, and unadjusted jurisdictional operating income statement amounts for the previous fiscal year.

Subp. 4. **Adjustments.** A general rate change notice must include operating income schedules listing the proposed adjustments included in subpart 3. The schedules must reflect the title and amount of each proposed adjustment and show the operating income statement components affected by the adjustment.

Subp. 5. **Interstate and jurisdictional separation factors.** A general rate change notice must include a schedule by operating income statement element, showing the separation factors used in separating the jurisdictional amounts for the test year and previous fiscal year from the unadjusted Minnesota company operating income amounts.

Subp. 6. [Repealed, 26 SR 1438]

Subp. 7. **Gross receipts tax expense.** A general rate change notice must include an operating income schedule showing the computation of Minnesota company and jurisdictional gross receipts tax expense for the test year and the previous fiscal year.

Subp. 8. **Computation of taxes.** Unless a telephone company is tax exempt, a general rate change notice must include an operating income schedule for the test year and previous fiscal year showing the computation of unadjusted total company, unadjusted Minnesota company, and unadjusted jurisdictional current and deferred federal and state income taxes and net investment tax credits.

Subp. 9. **Tax rates detailed.** Unless a telephone company is tax exempt, a general rate change notice must include a detailed schedule showing the development of the combined federal and state tax rates used for the tax computation under subpart 8.

Subp. 10. **Assumptions and approaches.** If a projected test year is proposed, a general rate change notice must include a schedule summarizing the assumptions made and the approaches used in projecting each major element of the Minnesota company and jurisdictional operating income statement for the test year.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.16; 237.57 to 237.64; 237.74*

History: *16 SR 2163; 26 SR 1438*

7810.8635 SUPPLEMENTAL FINANCIAL INFORMATION.

Subpart 1. **General requirement.** A general rate change notice must include the supplemental financial information described in subparts 2 to 8.

Subp. 2. **Workpapers.** The company shall file workpapers that show how the test year rate base and income statement components and adjustments have been determined. The workpapers must include:

A. supporting data and calculations showing the development of the unadjusted jurisdictional test year amounts for the rate base and operating income statement; and

B. supporting data and calculations showing the development of each test year adjustment and the proposed jurisdictional test year amounts for the rate base and operating income statement.

The workpapers described in items A and B must be filed with the commission, the department, and the attorney general's office, in quantities established by the agencies, and supplied to other parties on request.

Subp. 3. Advertising. The company shall file a schedule describing advertising categories and showing the Minnesota company and jurisdictional dollar amounts of advertising expense during the test year for each category in which the telephone company seeks reimbursement. For each category, the telephone company shall also provide sample ads. The company shall not seek reimbursement for institutional advertising under Minnesota Statutes, section 237.075, subdivision 7. Institutional advertising expenses are costs incurred by a telephone company to promote good will for the telephone company or improve the company's public image.

Subp. 4. Dues. The company shall file a schedule listing dues by organization that the telephone company seeks to recover showing the Minnesota company and the corresponding jurisdictional dollar amount of dues for the test year.

Subp. 5. Charitable contributions. The company shall file a schedule of charitable contributions made or to be made by the telephone company during the test year for which the company seeks reimbursement. The schedule must show the recipient, the Minnesota company amount, the jurisdictional amount, and the amount for which the telephone company seeks reimbursement. The company shall also provide testimony and evidence that the contribution is prudent and complies with Minnesota Statutes, section 290.21, subdivision 3, clause (b) or (e). Charitable contributions include in-kind contributions such as donated employee time and other noncash contributions.

Subp. 6. Schedules. A telephone company shall file:

A. a schedule showing the development of the gross revenue conversion factor;
and

B. its annual report to stockholders and the consolidated parent corporation's annual report to stockholders for the latest available fiscal year.

For purposes of this subpart, "gross revenue conversion factor" means the multiplier used to calculate gross revenue required to generate an additional dollar of net operating income before interest and after taxes.

Subp. 7. Jurisdictional information. If the telephone company has services or activities that are regulated by the commission, but have been deregulated by the Federal Communications Commission, the company shall identify and explain the impact of those revenues, expenses, and investments for those services and activities on the jurisdictional rate base and operating income statement for the proposed test year.

Subp. 8. Affiliated interest transactions. The telephone company shall file a schedule showing amounts of affiliated interest transactions for the previous fiscal year and the test year. The schedule must show:

A. the total amount of affiliated interest transactions for each affiliate for total company and Minnesota jurisdiction;

B. the total jurisdictional amount of recurring transactions for each affiliate along with a description of the recurring transactions and the method used to value the transactions;
and

C. a list and description of nonrecurring transactions greater than one-half percent of gross jurisdictional revenue totaled by affiliate.

Affiliated transactions must be recorded and valued according to the Uniform System of Accounts Revised, Code of Federal Regulations, title 47, part 32, as amended through June 1, 1990, which is adopted by reference.

For purposes of this subpart, "affiliated interest transaction" means a contract or arrangement providing for managerial, supervisory, construction, engineering, accounting, legal, or financial services; buying, selling, leasing, or exchanging property or a right or thing;

or providing a service, property, right, or thing to an affiliated interest as defined in Minnesota Statutes, section 216B.48, subdivision 1.

Statutory Authority: *MS s 216A.05; 237.10; 237.16; 237.74*

History: *16 SR 2163; 26 SR 1438*

7810.8640 RATE OF RETURN, COST OF CAPITAL SCHEDULES.

Subpart 1. **Showing calculations.** Schedules of rate of return and cost of capital must be filed with a general rate change notice and show the calculation of:

A. the proposed weighted cost of capital based on the proposed test year capital structure and proposed costs of short-term debt, long-term debt, preferred stock, and common equity; and

B. the weighted cost of capital based on the actual capital structure; the actual embedded costs of short-term debt, long-term debt, and preferred stock for the previous fiscal year; and, the rate of return on equity authorized by the commission in the telephone company's last general rate change proceeding.

Subp. 2. **Supporting schedules.** A general rate change notice must include schedules that:

A. list outstanding issues and show the calculation of embedded costs of long-term debt and preferred stock for the test year and the previous fiscal year; and

B. show the calculation of and assumptions used to derive the amount and cost of short-term debt for the test year and the previous fiscal year.

Subp. 3. **Historical test year cost of capital schedule.** If a historical test year is proposed and the proposed test year capital structure or embedded costs of debt and preferred stock differ from the actuals for the test year, a general rate change notice must include a schedule showing adjustments used to arrive at the proposed capital structure or embedded costs of debt and preferred stock.

Subp. 4. **Projected test year cost of capital schedule.** If a projected test year is proposed, a general rate change notice must include a schedule summarizing the assumptions made and approaches used in developing the proposed average capital structure for the test year and the proposed costs of the components of that capital structure.

Subp. 5. **Consolidated and unconsolidated parent corporation schedules.** A general rate change notice must include schedules showing the capital structure, weighted cost of capital, and costs of short-term debt, long-term debt, preferred stock, and common equity of the consolidated parent corporation and the unconsolidated parent corporation for both the test year and the previous fiscal year separately.

Subp. 6. **Embedded costs outstanding for part of year.** Long-term debt, short-term debt, or preferred stock outstanding for part of a year must be reflected if an average capital structure is used.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8645 RATE STRUCTURE AND RATE DESIGN INFORMATION.

Subpart 1. **General requirement.** The information about rate structure and design in subparts 2 and 3 must be filed with each general rate change notice.

Subp. 2. **Rate design, allocation schedules, and test year data.** A general rate change notice must include a schedule showing the test year revenue-producing units, present rates, proposed rates, present revenue, and proposed revenue for each existing and proposed rate element of all services. The schedule must include subtotals for each major category of revenue, such as local network service, network access, long-distance network service, and extended area service.

Subp. 3. **Supporting workpapers.** A general rate change notice must include an embedded direct cost study and an incremental cost study for each proposed rate change for

those services that generate revenues in excess of the greater of either \$100,000 or one-tenth of one percent of the company's annual gross revenue for the test year period. The embedded direct cost study and incremental cost study must identify the procedures and underlying reasons for cost and revenue allocations. The company shall explain why the proposed method is appropriate for ratemaking purposes. The form, content, and level of detail of any cost study required by this subpart must reflect the relative size of the company's intrastate operations in Minnesota and the amount of revenues it receives from the services for which cost studies are required.

The workpapers must be filed with the commission, the department, and the attorney general's office, in quantities established by the agencies, and supplied to other parties on request.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8650 ADDITIONAL INFORMATION.

Subpart 1. **General requirement.** The additional information described in subparts 2 and 3 must be filed with each general rate change notice.

Subp. 2. **Information as ordered.** The company shall file information required by the commission's most recent general rate change or other applicable orders for that company.

Subp. 3. **Additional information.** On or after review of a telephone company's notice of a change in rates or tariff and within a reasonable time as it may determine, the commission may require a company to provide additional information to supplement the information required by parts 7810.8610 to 7810.8650. A telephone company may include in its filing additional information not required by parts 7810.8100 to 7810.8815.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.16; 237.57 to 237.64; 237.74*

History: *16 SR 2163; 26 SR 1438*

INTERIM RATE CHANGES

7810.8655 NOTICE.

An interim rate change notice must include:

- A. an interim rate petition as prescribed in part 7810.8660;
- B. tariff and price list information as prescribed in part 7810.8400, subpart 1;
- C. the informational requirements in parts 7810.8665 to 7810.8690; and
- D. supporting workpapers showing the development of the interim rate exhibits and proposed interim rates.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8660 PETITION.

An interim rate petition must include:

- A. the legal name, address, and telephone number of the company and its designated contact person;
- B. the name, address, and telephone number of the attorney if the company will be represented by an attorney;
- C. the date of the filing, which is the date the commission receives the company's filing or the date designated by the company, whichever is later, and the proposed effective date of the proposed interim rate change;
- D. the statutory authority, including subdivisions or paragraphs, for the proposed interim rate change;

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E. a statement of the purpose of the change in rates and a description of the proposed change in rates;

F. the signature and title of the telephone company officer or company representative authorizing the proposal;

G. an identification of the test year proposed by the telephone company with justification for the selection of the proposed test year;

H. the effect of the proposed interim rate change expressed both as the total dollar change and the percentage change in the total jurisdictional revenue in the test year;

I. the effect of the proposed interim changes in rates expressed both as the total dollar change and the percentage change in the jurisdictional revenue in the test year for major categories of services for which the company is proposing a rate change; and

J. a jurisdictional financial summary schedule that complies with part 7810.8685.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8665 EXPERT TESTIMONY AND SUPPORTING EXHIBITS.

A notice of proposed interim rates must include exhibits, written statements of fact, expert opinion, and explanations of the exhibits in support of the telephone company's proposed interim rates. The written statements, opinions, and explanations must be in either a question and answer format or a descriptive narrative, and must identify the preparer or the person under whose supervision they were prepared. Interim rate notices and supporting exhibits must comply with Minnesota Statutes, section 237.075, subdivision 3, and parts 7810.6200 to 7810.6400.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8670 RATE BASE SCHEDULES.

Subpart 1. **Schedule.** The interim rate exhibits must include a schedule showing the development of the proposed jurisdictional rate base for interim rates that has incorporated the applicable rate base adjustments or components allowed or required by the commission in the telephone company's most recent general rate change proceedings.

Subp. 2. **Written explanation.** An accompanying written explanation must cite each rate base issue determined by the commission in the most recent general rate change proceeding, where it appears in the commission's order, and the adjustment the telephone company has made for the issues cited from the commission order. If an adjustment is not made for an issue, the explanation must state the reason why an adjustment is not required.

Subp. 3. **Comparison schedule and explanation.** A schedule comparing the following amounts must be included:

A. the rate base approved by the commission in the telephone company's most recent general rate change proceeding;

B. the unadjusted rate base for the most recent fiscal year for which actual data are available before the test year; and

C. the proposed test year rate base for interim rates.

The company shall explain significant changes in dollar amounts for each comparison.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8675 OPERATING INCOME SCHEDULE.

Subpart 1. **Schedule.** The interim rate exhibits must include a schedule showing the development of the proposed jurisdictional operating income statement under present rates

that reflects that the test year interim operating income statement has incorporated the applicable operating income statement adjustments or components allowed or required by the commission in the telephone company's most recent general rate change proceeding.

Subp. 2. Written explanation. An accompanying written explanation must also cite each operating income statement issue determined by the commission in the most recent general rate change proceeding, where it appears in the commission's order, and the adjustment the telephone company has made for each issue. If an adjustment is not made for an issue, the explanation must state the reason why an adjustment is not required.

Subp. 3. Comparison schedule and explanation. A schedule must be included comparing the following amounts:

A. the operating income statement under rates approved by the commission in the telephone company's most recent general rate change proceeding;

B. the corresponding operating income statement for the most recent fiscal year for which actual data is available before the test year; and

C. the proposed test year operating income statement for interim rates.

The company shall explain significant changes in dollar amounts for each comparison.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: 16 SR 2163

7810.8680 CAPITAL STRUCTURE AND RATE OF RETURN.

The interim rate exhibits must include a schedule showing the capital structure and rate of return calculation approved by the commission in the telephone company's most recent general rate change proceeding. The interim rate of return calculation must be based on the proposed test year capital structure and test year capital costs, except that the company must use the cost of equity that was allowed by the commission in the company's most recent general rate change proceeding or the company's proposed return on equity, whichever is lower. The schedule must include an explanation of the changes in dollar amounts of the telephone company's most recent general rate change proceeding capital structure and the proposed test year capital structure. In the case of a company that has not been subject to a commission determination or has not had a general rate adjustment in the preceding three years, the company must use the cost of equity that was allowed by the commission in its most recent determination concerning a similar company.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: 16 SR 2163

7810.8685 JURISDICTIONAL FINANCIAL SUMMARY SCHEDULE.

An interim rate change petition must include a financial summary schedule for the test year. The financial summary schedule must be a one-page summary showing:

- A. the proposed interim rate base amount;
- B. the proposed interim rate of return;
- C. the proposed interim net operating income requirement;
- D. the interim net operating income under present rates; and
- E. the calculation of:
 - (1) the interim net operating income deficiency;
 - (2) the interim gross revenue deficiency;
 - (3) the interim gross revenue from present rates; and
 - (4) the interim gross revenue requirement.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: 16 SR 2163

7810.8690 RATE DESIGN.

The interim rate exhibits must include a schedule showing the test year revenue-producing unit, present rate, proposed interim rate, present revenue, and proposed interim revenue for each existing and proposed interim rate element of each service. The schedule must include subtotals for each major category of revenue such as local network service, network access, long-distance network service, and extended area service.

The telephone company shall provide a written explanation of proposed interim rates that are not the result of increasing the existing rate by the average percentage increase in interim revenues. The explanation must show exigent circumstances or existence of competing products or services offered by a nonregulated competitor.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

OTHER RATE OR TARIFF CHANGES**7810.8700 OTHER RATE CHANGE NOTICE.**

A notice for a rate change other than a general rate change must include:

- A. a petition as prescribed in part 7810.8705;
- B. tariff and price list information prescribed in part 7810.8400; and
- C. the informational requirements in the applicable part of parts 7810.8710 to 7810.8760.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8705 OTHER RATE CHANGE PETITION.

A petition for a change in rates other than a general rate change must include:

- A. the legal name, address, and telephone number of the company and its designated contact person;
- B. the name, address, and telephone number of the attorney if the company will be represented by an attorney;
- C. the date of the filing, which is the date the commission receives the company's filing or the date designated by the company, whichever is later, and the proposed effective date of the proposed change in rates;
- D. the statutory authority, including subdivisions or paragraphs, for the proposed change and a statement that the proposed change is for example a miscellaneous tariff change such as a cost increase rate change or an emerging competitive service rate decrease;
- E. a statement of the purpose of the change in rates and a description of the proposed change in rates; and
- F. the signature and title of the telephone company officer or company representative authorizing the proposal.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8710 MISCELLANEOUS TARIFF CHANGE.

In addition to the notice requirements in part 7810.8700, a notice for a miscellaneous tariff change under Minnesota Statutes, section 237.63, must include:

- A. a statement of the proposed change in rates;
- B. statements of fact, expert opinions, substantiating documents, and exhibits supporting the change requested;

- C. the date when the new rates will go into effect;
- D. a statement that explains with particularity how the tariff will be changed and why;
- E. whether the proposed change is a rate increase or a decrease;
- F. the annual revenue impact; and
- G. the impact on affected customers.

The written statements, opinions, and explanations under item B must be in a question and answer format or a descriptive narrative, and must identify the preparer or the person under whose supervision they were prepared.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8715 NONCOMPETITIVE SERVICE; LANGUAGE CHANGE.

In addition to the notice requirements of part 7810.8700, a notice for a language change under Minnesota Statutes, section 237.63, subdivision 2, must include an explanation of why the proposed change does not substantially alter the application of the tariff.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8720 NONCOMPETITIVE SERVICE; COST INCREASE.

In addition to the notice requirements in part 7810.8700, a notice for a cost increase rate change under Minnesota Statutes, section 237.63, subdivision 3, must include:

- A. data demonstrating that an actual change in costs for the service has occurred since the last proceeding under Minnesota Statutes, section 237.075; and
- B. the dollar and percentage change in total jurisdictional annual revenues resulting from the proposed change.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8725 NONCOMPETITIVE SERVICE; RATE REDUCTION.

In addition to the notice requirements of part 7810.8700, a notice for a rate reduction under Minnesota Statutes, section 237.63, subdivision 4, must include data showing the relationship between proposed rates and the costs of providing the service.

For purposes of this part, "rate reduction" means a miscellaneous tariff change under Minnesota Statutes, section 237.63, subdivision 4, to reduce the rates for one or more non-competitive services.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8730 NONCOMPETITIVE SERVICE; CHANGE IN SERVICE.

In addition to the notice requirements in part 7810.8700, a notice for a significant change in condition of service under Minnesota Statutes, section 237.63, subdivision 4a, must include information demonstrating that the application of the tariff is substantially changed but that the rate is not changed.

For purposes of this part, "significant change in condition of service" means a miscellaneous tariff change under Minnesota Statutes, section 237.63, subdivision 4a, to change the terms or conditions of service in a way that substantially alters the application of the tariff. Significant change in condition of service does not include a rate change.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8735 INDIVIDUALLY PRICED NONCOMPETITIVE SERVICE.

In addition to the notice requirements in part 7810.8700, a notice for individually priced noncompetitive service under Minnesota Statutes, sections 237.07 and 237.071, must include:

- A. data demonstrating that differences in the cost of providing a service or service element justifies a different rate for a particular customer or group of customers;
- B. an identification of the affected customer or customer groups; and
- C. the estimated revenue impact on the company.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8740 [Repealed, 26 SR 1438]

7810.8745 [Repealed, 26 SR 1438]

7810.8750 [Repealed, 26 SR 1438]

7810.8755 [Repealed, 26 SR 1438]

7810.8760 [Repealed, L 2004 c 261 art 3 s 1]

7810.8800 [Repealed, 26 SR 1438]

RECLASSIFICATION**7810.8805 SERVICE SUBJECT TO EMERGING COMPETITION.**

Subpart 1. **General requirement to file petition.** A petition to classify a noncompetitive service as subject to emerging competition must be filed under this part.

Subp. 2. **Petition information.** A petition to have a service classified as subject to emerging competition must include:

- A. a list of known alternative providers of the service available to the company's customers, the providers' affiliations with other providers, and their sizes, if known;
- B. the extent to which services are available from alternative providers in the relevant market, including identification of barriers to entry or exit from the market for the service;

- C. the ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions of service;

- D. an estimate of the company's current market share;

- E. an assessment of the ability of the market to hold prices close to cost and other economic measures of market power;

- F. an assessment of the necessity of the service to the well-being of the customer;

- G. a request either for an expedited hearing or a contested case hearing;

- H. a statement addressing the need for and means of providing notice to affected customers;

- I. an assessment of whether alternative services are available to over 20 percent of the company's customers for that service; and

- J. if required by Minnesota Statutes, section 237.07, a proposed price list for the service containing the rates, tolls, and charges for the service together with the rules, regulations, and classifications used in providing that service.

Subp. 3. **Service of petition.** A copy of the petition must be served on the department, the attorney general's office, and any other person designated by the commission.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8810 SERVICE SUBJECT TO EFFECTIVE COMPETITION.

Subpart 1. **General requirement to file petition.** A petition to classify a service as subject to effective competition must be filed under this part.

Subp. 2. **Petition information.** A petition to classify a service as subject to effective competition must include the requirements of part 7810.8805, subpart 2, items A to H, and in addition must include:

A. a list of the schedules to be canceled or withdrawn if the commission grants the petition; and

B. an assessment of whether alternative services are available to over 50 percent of the company's customers for that service.

Subp. 3. **Service of petition.** A copy of the petition must be served on the department, the attorney general's office, and any other person designated by the commission.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8815 NONCOMPETITIVE SERVICE.

Subpart 1. **Reclassification authority and initiation.** A service of a telephone company that has been classified as subject to emerging competition or effective competition will keep its competitive classification until the commission, on its own motion, or on complaint, reclassifies the service as noncompetitive or subject to emerging competition.

Subp. 2. **Information from complainant.** A person who files a complaint requesting reinstatement of regulation for a particular service shall file either:

A. an explanation of why the competitive market for the service has failed so that rate regulation is necessary to protect the consumers applying the criteria in Minnesota Statutes, section 237.59, subdivision 5, and a discussion of the alternatives to rate regulation and the benefits versus the burdens of rate regulation; or

B. information that unreasonable discrimination has occurred among different areas of the state.

Subp. 3. **Information from company.** If the proceeding to reclassify is initiated by the commission on its own motion, or when the complaint is filed by the department or the attorney general's office, the company shall file in its answer either:

A. the information listed in part 7810.8805, subpart 2, items A to F and I, if the service is classified as subject to emerging competition; or

B. the information listed in part 7810.8810, subpart 2, if the service is classified as subject to effective competition.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

7810.8900 [Repealed, 26 SR 1438]

7810.8905 [Repealed, 26 SR 1438]

7810.8910 [Repealed, 26 SR 1438]

7810.8915 [Repealed, 26 SR 1438]

7810.8920 [Repealed, 26 SR 1438]

7810.8925 [Repealed, 26 SR 1438]

7810.8930 [Repealed, 26 SR 1438]

7810.8935 [Repealed, 26 SR 1438]

7810.8940 [Repealed, 26 SR 1438]