

7812.2000 RURAL EXEMPTION CLAIM; NOTICE, PROCEEDINGS.

Subpart 1. **Notice of claim to rural exemption.** A local exchange carrier (LEC) seeking to retain or establish a rural exemption under United States Code, title 47, section 251, subsection (f), paragraph (1), shall, no later than 20 days after receiving a competitive local exchange carrier's (CLEC's) bona fide request for interconnection, services, or network elements under United States Code, title 47, section 251, notify the requesting company, the commission, the department, and the Office of Attorney General-Residential Utilities Division (OAG-RUD), of its claim to the exemption. A LEC failing to assert its exemption claim as provided in this subpart is deemed to have waived any right it may have to the exemption for purposes of the specific bona fide request for which it has failed to assert the exemption. The notice must state the basis upon which the LEC considers itself to be a rural telephone company.

Subp. 2. **CLEC response to exemption claim.** An affected competitive local exchange carrier (CLEC) shall file any challenge to a LEC's exemption claim under subpart 1, including a request to terminate the exemption, within 20 days after receiving the LEC's notice under subpart 1.

Subp. 3. **Commission decision.** The commission shall determine a LEC's eligibility for an exemption asserted under subpart 1, including whether the exemption should be terminated, as provided in United States Code, title 47, section 251, subsection (f), paragraph (1), and applicable FCC regulations. A commission decision to deny or terminate an exemption must include a schedule for implementing the negotiation, arbitration, and agreement approval requirements of United States Code, title 47, section 252.

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

History: *22 SR 46; 22 SR 2079*

Published Electronically: *October 24, 2005*