

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. P-100, SUB 163

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Petition of Level 3 Communications, LLC to Amend ) ORDER OF  
Commission Rule R17 to Exempt Competing Local ) CLARIFICATION  
Providers from G.S. 62-111(a) )

BY THE CHAIR: On August 24, 2006, the Commission issued an Order which amended Commission Rule R17. Among other things, that Order added certain new definitions to Rule R17-1 and assigned the correct rule numbers to these new definitions. Appendix A attached to the August 24<sup>th</sup> Order shows the amendments to Rule 17-1, including the new definitions and associated rule numbers.

However, the addition of the new definitions necessitates the renumbering of other definitions in Rule R17-1 and such renumbering is not shown in Appendix A to the previous Order.

Therefore, the Chair finds good cause to republish Rule R17-1 in its entirety, in order to clarify the rule number assigned to each definition, as shown in Appendix A to this Order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28<sup>th</sup> day of August, 2006.

NORTH CAROLINA UTILITIES COMMISSION

*Gail L. Mount*

Gail L. Mount, Deputy Clerk

### **Rule R17-1. Definitions**

The following words and terms, when used in these rules, shall have the following meanings unless the context clearly indicates otherwise:

- (a) **Basic Local Exchange Service.** -- The telephone service comprised of an access line, dialtone, the availability of touchtone, and usage provided to the premises of residential customers or business customers within a local exchange area.
- (b) **Certificate** -- A certificate of public convenience and necessity to provide local exchange and/or exchange access service as a public utility as defined in G.S. 62-3(23)a.6.
- (c) **Commission.** -- The North Carolina Utilities Commission.
- (d) **Competing Local Provider or CLP.** -- Any person applying for or granted a certificate to provide local exchange or exchange access services in competition with a local exchange company.
- (e) **Exchange Access Service.** -- Switched or special access service provided by a LEC or CLP to a customer which facilitates a connection between an end-user and an interexchange carrier.
- (f) **FCC** -- The Federal Communications Commission.
- (g) **Local Exchange Service Area.** -- The geographic area within which a CLP or LEC is authorized to provide local exchange or exchange access service.
- (h) **Local Exchange Company or LEC.** -- Any person, holding on January 1, 1995, a certificate to provide local exchange services or exchange access services, excluding telephone membership corporations.
- (i) **Local Exchange Service.** -- Switched service offered by a CLP or LEC, without the payment of long distance charges; or dedicated service connecting two or more points within an exchange as defined on an exchange service area map of a LEC or CLP.

(j) Notice -- A document filed with the Commission pursuant to Rule R17-8 which includes the following: (1) The name, address of the principal headquarters, and telephone and facsimile numbers for each of the parties to the Section 214 License Transfer or Pro forma Transaction and any changes in the Name and Contacts information provided in the non-dominant CLP's original Competing Local Provider Application; (2) A statement setting forth a description of the Section 214 License Transfer or Pro forma Transaction; (3) A copy of the application for a domestic Section 214 License Transfer, or in the case of a Pro forma Transaction the notification letter, filed with the FCC; and (4) A copy of the FCC's Public Notice of the Section 214 License Transfer or Pro forma Transaction.

(k) Number Portability. -- The technical capability to allow customers to retain their telephone numbers when they change providers of local exchange service but do not change locations.

(l) Prepaid local exchange service. -- Local exchange service for which payment is typically required in advance. Prepaid service usually does not allow the customer to dial or use local or long distance directory assistance or operator services, to place long distance calls through standard dialing patterns (including 1+ and 0+ calls), or to place calls to the expanded local calling areas using standard dialing patterns.

(m) Pro forma Transaction – Any corporate restructuring, reorganization or liquidation of internal business operations that does not result in a change in ultimate ownership or control of the carrier's lines or authorization to operate.

(n) Section 214 License Transfer – A transfer of control of lines or authorization to operate pursuant to section 214 of the Communications Act of 1934 subject to the streamlining procedures for domestic transfer of control applications in 47 C.F.R. § 63.03.

(o) Universal Service. -- The provision of affordable basic local exchange service, part of which may be subsidized through a universal service fund.

(p) USDOJ – The United States Department of Justice.