



ADMINISTRATIVE RULES OF MONTANA

38.5.4068 EXEMPTIONS, SUSPENSIONS AND MODIFICATIONS FROM INTERCONNECTION REQUIREMENTS

- (1) The incumbent LEC interconnection requirements in section 251(c) of the 1996 Act shall not apply to a rural LEC until:
 - (a) the rural LEC has received a bona fide request for interconnection, services or network elements; and
 - (b) the commission terminates the exemption according to (2) .
- (2) The party making a bona fide request of a rural LEC for interconnection, services, or network elements shall submit a notice of its request to the commission. The commission shall conduct an inquiry to determine whether to terminate the exemption. Within 120 days of receiving notice of the request, the commission shall terminate the exemption if the request is not unduly economically burdensome, is technically feasible, and is consistent with 47 USC 254 as it existed on February 8, 1996, except subsections (b) (7) and (c) (1) (D) . Upon termination of the exemption, the commission shall establish an implementation schedule for compliance with the request that is consistent in time and manner with the federal communications commission's regulations.
- (3) A LEC with fewer than 2 percent of the nation's subscriber lines installed in the aggregate nationwide may petition the commission for a suspension or modification of the application of a requirement or requirements of section 251(b) or (c) of the 1996 Act to telephone exchange service facilities specified in the petition. The commission shall grant the petition for the suspension or modification to the extent and for the duration that the commission determines is necessary
 - (a) to avoid a significant adverse economic impact on users of telecommunications services generally;
 - (b) to avoid imposing a requirement that is unduly economically burdensome; or
 - (c) consistent with the public interest, convenience, and necessity.
- (4) The commission shall act upon any petition filed under (3) above within 180 days after receiving the petition. Pending such action, the commission may suspend enforcement of the requirement to which the petition applies with respect to the petitioning carrier or carriers.

Authorizing statute(s): Sec. 69-3-103, MCA

Implementing statute(s): Secs. 69-3-102 and 69-3-201, MCA



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History: NEW, 1997 MAR p. 319, Eff. 2/11/97.