



ADMINISTRATIVE RULES OF MONTANA



38.5.2740 APPROVAL PROCESS

- (1) The 10 day period immediately following the filing and service of the application constitutes a comment period for interested parties. However, nothing herein shall be interpreted to preclude interested parties from filing comments or requesting a hearing more than 10 days after filing and service of the application.
- (2) Following the 10 day comment period, the commission may:
 - (a) Approve the application,
 - (b) Deny the application,
 - (c) Suspend the offering of the service, or
 - (d) Grant interim approval of the offering of the service.
- (3) If the commission has not acted within 30 days following the filing and service of the application, the carrier may proceed to offer the service.
- (4) Regardless of the form of approval, disapproval or suspension, the commission may conduct further investigations, hold hearings or public meetings, and take other appropriate actions at any time.
- (5) In deciding whether to approve a new service as detariffed, the commission may consider:
 - (a) whether the service falls within the definition of "new service," § 69-3-808, MCA and ARM 38.5.2732;
 - (b) whether approval is consistent with the purposes of the Montana Telecommunications Act, § 69-3-802, MCA;
 - (c) whether approval would encourage competition, have no effect on competition, or be anti-competitive;
 - (d) whether approval would violate any other provisions of the Montana Telecommunications Act, 69-3-801 et seq., MCA or Title 69, MCA; and
 - (e) any other information or factor relevant to the public interest.

Authorizing statute(s): Sec. 69-3-822, MCA

Implementing statute(s): Sec. 69-3-810, MCA

History: NEW, 1993 MAR p. 1336, Eff. 6/25/93.