



ADMINISTRATIVE RULES OF MONTANA



38.5.4103 EQUAL ACCESS PRESUBSCRIPTION IMPLEMENTATION

- (1) US West Communications, Inc. is required to implement intraLATA equal access presubscription in its Montana territory when it begins providing in-region interLATA services pursuant to 47 USC 271 or on February 8, 1999, whichever is earlier. US West Communications, Inc. shall file an intraLATA dialing parity implementation plan consistent with the requirements of ARM 38.5.4120. Any grant of authority to US West Communications, Inc. to provide in-region interLATA services pursuant to 47 USC 271 will not affect the timing requirements applied to other carriers in the provision of intraLATA dialing parity. None of the provisions of (2) below apply to US West Communications, Inc.
- (2) Other local exchange carriers shall, either in response to a bona fide request or on their own initiative, provide intraLATA dialing parity where technically and economically feasible using the 2-PIC method. A carrier that begins providing facilities-based local services after adoption of these rules must have on file a commission-approved plan for the implementation of intraLATA equal access before the carrier begins providing local exchange service.
 - (a) Within six months after receipt of a bona fide request pursuant to (2) , local exchange carriers shall complete implementation of intraLATA dialing parity.
 - (b) Local exchange carriers may negotiate implementation schedules that differ from the requirements in this rule with the agreement of all interexchange carriers that make bona fide requests pursuant to (2) within 90 days of the first bona fide request.
 - (c) A local exchange carrier may petition the commission for a waiver of the requirement to provide intraLATA dialing parity consistent with (2) on the grounds that a request it has received is not bona fide, that compliance is unduly economically burdensome or is technically infeasible, and that the waiver is consistent with the public interest. The commission, after notice and opportunity for hearing, may grant a waiver upon such a showing.
 - (d) A local exchange carrier may petition for an extension of the timing requirements of (2) on the grounds that equal access presubscription implementation cannot reasonably be provided in the given exchange(s) within the required time frame. The commission, after notice and opportunity for hearing, may grant such extension(s) for a reasonable period of time upon such a showing.
 - (e) A local exchange carrier may require a performance bond be established, in an amount approved by the commission, which would be forfeited by the requesting company in the event such company fails to provide intraLATA toll services to the particular exchange within the six months following implementation of equal access and the commission finds good cause exists for forfeiture.

Authorizing statute(s): 69-3-103, 69-3-822, MCA

Implementing statute(s): 69-3-102, 69-3-201, 69-3-834, MCA

History: NEW, 1998 MAR p. 983, Eff. 4/17/98.