



ADMINISTRATIVE RULES OF MONTANA



38.5.2760 WITHDRAWAL

- (1) A carrier may request withdrawal of a current telecommunications service pursuant to § 69-3-810(4) , MCA, in accordance with the following procedure. This rule shall not preclude a carrier from requesting withdrawal of a service pursuant to other procedural methods which are consistent with the Montana Administrative Procedure Act and other applicable provisions of law.
- (2) An application requesting commission approval of withdrawal of a current service must contain the following information:
 - (a) The name and address of the applicant;
 - (b) The name and description of the service, including specific reference to tariffs and/or price list sheets;
 - (c) The approximate number of Montana customers currently subscribing to the service from the applicant;
 - (d) The names of other carriers capable of offering the same or similar service to the applicant's current customers, if known;
 - (e) The current price for the service;
 - (f) An explanation of the reasons why the applicant is requesting withdrawal of the service; and
 - (g) Any disadvantages, adverse effects or hardships which may be incurred by customers due to withdrawal of the service, if known.
- (3) The complete application must be filed with the commission and copies served on the same day by first class mail, to all current subscribers of the service and the Montana consumer counsel. The applicant may request approval by the commission of an alternative method of subscriber notification. Certification of such service must be filed with the commission no later than one day after the application is filed and served.
- (4) The withdrawal of the service shall be deemed automatically approved without commission action 30 days after a complete application is filed and served in accordance with the requirements of this rule. However, the commission may suspend withdrawal on its own motion or upon request of an interested party. During the suspension period, the applicant must continue to offer the service on the same terms and conditions. The commission may conduct such investigations or hearings as it deems appropriate during suspension, and may enter an order approving or denying the withdrawal, or take such further action as may be appropriate.

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.