



ADMINISTRATIVE RULES OF MONTANA



38.5.3819 SALE OR TRANSFER OF SUBSCRIBER BASES

- (1) A carrier may acquire, through a sale or transfer, either part or all of another carrier's subscriber base without obtaining each subscriber's authorization and verification in accordance with ARM 38.5.3801, provided that the acquiring carrier complies with the following procedures. A carrier may not use these procedures for any fraudulent purpose, including any attempt to avoid liability for violations under ARM 38.5.3801.
 - (a) No later than 30 days before the planned transfer of the affected subscribers from the selling or transferring carrier to the acquiring carrier, the acquiring carrier shall file with the commission a letter of notification providing the names of the parties to the transaction, the types of telecommunications services to be provided to the affected subscribers, and the date of the transfer of the subscriber base to the acquiring carrier. In the letter notification, the acquiring carrier also shall certify compliance with the requirement to provide advance subscriber notice in accordance with the obligations specified in that notice, and with other commission requirements that apply to this process. In addition, the acquiring carrier shall attach a copy of the notice sent to the affected subscribers.
 - (b) If, subsequent to the filing of the letter notification with the commission required by (2) (a) , any material changes to the required information should develop, the acquiring carrier shall file written notification of these changes with the commission no more than 10 days after the transfer date announced in the prior notification. The commission may require the acquiring carrier to send an additional notice to the affected subscribers regarding such material changes.
 - (c) Not later than 30 days before the transfer of the affected subscribers from the selling or transferring carrier to the acquiring carrier, the acquiring carrier shall provide written notice to each affected subscriber of the information specified. The acquiring carrier is required to fulfill the obligations set forth in the advance subscriber notice. The following information must be included in the advance subscriber notice:
 - (i) The date on which the acquiring carrier will become the subscriber's new provider of telecommunications service;
 - (ii) The rates, terms, and conditions of the service(s) to be provided by the acquiring carrier upon the subscriber's transfer to the acquiring carrier, and the means by which the acquiring carrier will notify the subscriber of any change(s) to these rates, terms, and conditions;
 - (iii) The acquiring carrier will be responsible for any carrier change charges associated with the transfer;

- (iv) The subscriber's right to select a different preferred carrier for the telecommunications service(s) at issue, if an alternative carrier is available;
- (v) All subscribers receiving the notice, even those who have arranged preferred carrier freezes through their local service providers on the service(s) involved in the transfer, will be transferred to the acquiring carrier, unless they have selected a different carrier before the transfer date; existing preferred carrier freezes on the service(s) involved in the transfer will be lifted; and the subscribers must contact their local service providers to arrange a new freeze;
- (vi) Whether the acquiring carrier will be responsible for handling any complaints filed, or otherwise raised, prior to or during the transfer against the selling or transferring carrier; and
- (vii) The toll-free customer service telephone number of the acquiring carrier.

Authorizing statute(s): 69-3-1301, 69-3-1302 and 69-3-1303, MCA

Implementing statute(s): 69-3-1304, MCA

History: NEW, 2003 MAR p. 2085, Eff. 9/26/03.