



## ADMINISTRATIVE RULES OF MONTANA



### **38.5.2721 FLEXIBLE PRICING FOR REGULATED TELECOMMUNICATIONS SERVICE -- PROCEDURE**

- (1) Except as provided in (2) , applications for flexible pricing must include:
  - (a) a statement that the application is for flexible pricing in accordance with these rules and a statement that the application is not for detariffing, forbearance, or promotional pricing;
  - (b) an identification of the tariffed rate and the tariffed operating rules related to such rate which will be affected by or implemented in the flexible pricing, accompanied by a proposed tariff page reflecting all proposed tariff changes, through interlining of material to be deleted and underlining of material to be added, that will result if the application for flexible pricing is approved;
  - (c) specifically, by each wire center to which the application for flexible pricing pertains:
    - (i) an identification of the number, size, and distribution of alternative providers of the service to be flexibly priced and, as of the date of application, the number, size, and distribution of each alternative provider actually providing the service to be flexibly priced;
    - (ii) documentation of the entry of each alternative provider into the area affected;
    - (iii) the extent to which services are available from these alternative providers;
    - (iv) the ability of these alternative providers to make functionally equivalent or substitute service readily available;
    - (v) the present market share of each alternative provider for the service; and
    - (vi) an estimate of the number of customers who have chosen service from the alternative providers;
  - (d) a description of the overall impact of the flexible pricing on the continued availability of existing services at just and reasonable rates, including the continued maintenance of basic service at affordable rates;
  - (e) a description of the overall impact of the proposed flexible pricing on the continued encouragement of competition in the provision of telecommunications services; and
  - (f) verification that the alternative lower price or the minimum price in a proposed range of prices cover all relevant incremental costs for each specific geographical area and product mix for which the flexible pricing is proposed.
- (2) If the applicant does not have access to one or more of the information items required in (1) (c) (i) through (vi) , including through being prohibited by law from accessing the information, the

applicant shall so state in its application, explain in reasonable detail why access is not available, and request that the commission waive the requirement to provide the information.

- (3) Applications for flexible pricing will be noticed to the public and processed as contested cases in accordance with commission procedural rules.

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

**Implementing statute(s):** 69-3-807, MCA

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**History:** NEW, 2001 MAR p. 48, Eff. 1/12/01.