



ADMINISTRATIVE RULES OF MONTANA



38.5.2707 COMMISSION PRIMARY JURISDICTION

- (1) The commission shall have primary jurisdiction to determine if a telecommunications service is regulated. The commission may make its determination using contested case procedure or, if no hearing is requested, may act without a hearing.
- (2) Any interested party may comment in writing on the assertion that a telecommunications service is not basic telecommunications service by filing comments with the commission within 20 days of the mailing date of the notification required in ARM 38.5.2706 or, if a hearing is scheduled, within 10 days of the hearing. The commission may consider these comments in making its determination.
- (3) If the commission makes its determination without a hearing it shall inform the provider that it has accepted or rejected the assertion that the service is not regulated within 60 days of the filing of the information required in ARM 38.5.2705. If the commission takes no action within 60 days, the provider may consider the service not regulated.
- (4) If a hearing is required:
 - (a) The commission must promptly schedule the hearing and must give written notice as required in ARM 38.2.1801.
 - (b) The commission must inform the telecommunication provider that it has accepted or rejected its assertion that the service is not regulated within 60 days of the hearing.
- (5) Not less than 20 days prior to offering the service as not regulated the telecommunications provider shall inform current customers, if any, that the service will no longer be regulated.

Authorizing statute(s): Secs. 69-3-822 and 69-1-110(3), MCA

Implementing statute(s): Secs. 69-3-803(3) and 69-3-807, MCA

History: NEW, 1986 MAR pp. 801-802, Eff. 5/16/86.