



ADMINISTRATIVE RULES OF MONTANA



38.5.4065 UNBUNDLING OF LOCAL EXCHANGE NETWORK ELEMENTS

- (1) Each incumbent LEC and interconnecting facilities based new exchange carrier shall unbundle its local network elements. Network elements shall be unbundled at technically feasible points upon the bona fide request of a LEC. The requirement to fulfill all bona fide requests for the purchase of unbundled network elements by other LECs applies equally to incumbent LECs and new exchange carriers.
- (2) At a minimum LECs shall unbundle the local loop, network interface device, switching, transport, databases and signaling systems. Unbundling of networks shall include access to necessary customer databases, such as, but not limited to, 9-1-1 databases, billing name and address, directory assistance, local exchange routing guide, line information database and 800 databases. Unbundling shall also include operator services, directory assistance, and signaling system functionalities. If a LEC receives a bona fide request for the purchase of a network element, the LEC receiving the request for unbundling shall have the burden of proving that the provision of the network element is not technically feasible.
- (3) The commission may decline to unbundle a network element if it determines the network element is proprietary and the proposed telecommunication service can be provided through the use of other, nonproprietary unbundled network elements.
- (4) Unbundled network element rates, terms and conditions should be established through negotiation between LECs upon receipt of a bona fide request for interconnection or through arbitration. A LEC may, however, provide unbundled network element rates, terms and conditions through tariffs or other arrangements approved by the commission. The commission, at its discretion, may order the filing of tariffs establishing unbundled network element rates, terms and conditions.
- (5) Once an unbundled network element has been made available to an interconnecting carrier, on a contractual basis, the providing carrier shall make that unbundled network element available for purchase for all similar requests to the extent that technical compatibility exists between the LEC and the interconnecting carrier.
- (6) Unbundled network elements shall be priced at cost based rates pursuant to the pricing standards in section 252 (d) of the 1996 Act as enacted on February 8, 1996.

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

Implementing statute(s): Secs. 69-3-102 and 69-3-201, MCA

History: NEW, 1997 MAR p. 651, Eff. 2/11/97.