

(iii) The waiver includes a request to return only a portion of the telephone properties involved in the transaction to the Association common line tariff;

(iv) The Commission rejects the waiver request prior to the expiration of the sixty-day period;

(v) The Commission requests additional time or information to process the waiver application prior to the expiration of the sixty-day period; or

(vi) A party, in a timely manner, opposes a waiver request or seeks conditional approval of the waiver in response to our public notice of the waiver request.

(h) Local exchange carriers subject to price cap regulation as that term is defined in § 61.3(ee) of this chapter, shall file with this Commission a price cap tariff for access service for an annual period. Such tariffs shall be filed to meet the notice requirements of § 61.58 of this chapter, with a scheduled effective date of July 1. Such tariff filings shall be limited to changes in the Price Cap Indexes, rate level changes (with corresponding adjustments to the affected Actual Price Indexes and Service Band Indexes), and the incorporation of new services into the affected indexes as required by § 61.49 of this chapter.

(i) The following rules apply to the withdrawal from Association tariffs under the provision of paragraph (e)(6) or (e)(9) of this section or both by telephone companies electing to file price cap tariffs pursuant to paragraph (h) of this section.

(1) In addition to the withdrawal provisions of paragraphs (e)(6) and (e)(9) of this section, a telephone company or group of affiliated companies that participates in one or more association tariffs during the current tariff year and that elects to file price cap tariffs or optional incentive regulation tariffs effective July 1 of the following tariff year shall notify the association by March 1 of the following tariff year that it is withdrawing from association tariffs, subject to the terms of this section, to participate in price cap regulation or optional incentive regulation.

(2) The Association shall maintain records of such withdrawals sufficient to discharge its obligations under these Rules and to detect efforts by such

companies or their affiliates to rejoin any Association tariffs in violation of the provisions of paragraph (i)(4) of this section.

(3) Notwithstanding the provisions of paragraphs (e) (3), (6), and (9) of this section, in the event a telephone company withdraws from all Association tariffs for the purpose of filing price cap tariffs or optional incentive plan tariffs, such company shall exclude from such withdrawal all “average schedule” affiliates and all affiliates so excluded shall be specified in the withdrawal. However, such company may include one or more “average schedule” affiliates in price cap regulation or optional incentive plan regulation provided that each price cap or optional incentive plan affiliate relinquishes “average schedule” status and withdraws from all Association tariffs and any tariff filed pursuant to § 61.39(b)(2) of this chapter. See generally §§ 69.605(c), 61.39(b) of this chapter; MTS and WATS Market Structure: Average Schedule Companies, Report and Order, 103 FCC 2d 1026–1027 (1986).

(4) If a telephone company elects to withdraw from Association tariffs and thereafter becomes subject to price cap regulation as that term is defined in § 61.3(v) of this chapter, neither such telephone company nor any of its withdrawing affiliates shall thereafter be permitted to participate in any Association tariffs.

(j) [Reserved]

(47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 218 and 403 and 5 U.S.C. 553)

[48 FR 10358, Mar. 11, 1983, as amended at 48 FR 43017, Sept. 21, 1983; 50 FR 41356, Oct. 10, 1985; 51 FR 6119, Feb. 20, 1986; 51 FR 42236, Nov. 24, 1986; 52 FR 21540, June 8, 1987; 52 FR 37310, Oct. 6, 1987; 53 FR 36289, Sept. 19, 1988; 54 FR 39534, Sept. 27, 1989; 55 FR 6990, Feb. 28, 1990; 55 FR 42385, Oct. 19, 1990; 55 FR 50558, Dec. 7, 1990; 58 FR 36149, July 6, 1993; 64 FR 46593, Aug. 26, 1999; 64 FR 51266, Sept. 22, 1999; 65 FR 57743, Sept. 26, 2000; 65 FR 64894, Oct. 31, 2000]

§ 69.4 Charges to be filed.

(a) The end user charges for access service filed with this Commission shall include charges for the End User Common Line element, and for line port costs in excess of basic, analog service.

Federal Communications Commission

§ 69.5

(b) Except as provided in paragraphs (c), (e), and (h) of this section, and in § 69.118, the carrier's carrier charges for access service filed with this Commission shall include charges for each of the following elements:

- (1) [Reserved]
 - (2) Carrier common line, provided that after June 30, 2003, non-price cap local exchange carriers may not assess a carrier common line charge;
 - (3) Local switching;
 - (4) Information;
 - (5) Tandem-switched transport;
 - (6) Direct-trunked transport;
 - (7) Special access; and
 - (8) Line information database;
 - (9) Entrance facilities.
- (c) [Reserved]
- (d) Recovery of Contributions to the Universal Service Support Mechanisms by Incumbent Local Exchange Carriers.

(1) [Reserved]

(2)(i) Local exchange carriers may recover their contributions to the universal service support mechanisms only through explicit, interstate, end-user charges assessed pursuant to either § 69.131 or § 69.158 that are equitable and nondiscriminatory.

(ii) Local exchange carriers may not recover any of their contributions to the universal service support mechanisms through access charges imposed on interexchange carriers.

(e) The carrier's carrier charges for access service filed with this Commission by the telephone companies specified in § 64.1401(a) of this chapter shall include an element for connection charges for expanded interconnection. The carrier's carrier charges for access service filed with this Commission by the telephone companies not specified in § 64.1401(a) of this chapter may include an element for connection charges for expanded interconnection.

(f) [Reserved]

(g) Local exchange carriers may establish appropriate rate elements for a new service, within the meaning of § 61.3(x) of this chapter, in any tariff filing.

(h) In addition to the charges specified in paragraph (b) of this section, the carrier's carrier charges for access service filed with this Commission by price cap local exchange carriers shall

include charges for each of the following elements:

- (1) Presubscribed interexchange carrier;
- (2) Per-minute residual interconnection;
- (3) Dedicated local switching trunk port;
- (4) Shared local switching trunk port;
- (5) Dedicated tandem switching trunk port;
- (6) [Reserved]
- (7) Multiplexers associated with tandem switching.

(i) Paragraphs (b) and (h) of this section are not applicable to a price cap local exchange carrier to the extent that it has been granted the pricing flexibility in § 69.727(b)(1).

(j) In addition to the charges specified in paragraph (b) of this section, the carrier's carrier charges for access service filed with this Commission by non-price cap local exchange carriers may include charges for each of the following elements:

- (1) Dedicated local switching trunk port;
- (2) Shared local switching trunk port;
- (3) Dedicated tandem switching trunk port;
- (4) Multiplexers associated with tandem switching;
- (5) DSL/voice grade multiplexers associated with analog switches; and
- (6) Per-message call setup.

[48 FR 43017, Sept. 21, 1983, as amended at 52 FR 21540, June 8, 1987; 52 FR 37310, Oct. 6, 1987; 54 FR 11718, Mar. 22, 1989; 56 FR 33880, July 24, 1991; 57 FR 24380, June 9, 1992; 57 FR 54332, Nov. 18, 1993; 57 FR 54719, Nov. 20, 1993; 58 FR 30995, May 28, 1993; 62 FR 4660, Jan. 31, 1997; 62 FR 31932, June 11, 1997; 62 FR 56132, Oct. 29, 1997; 64 FR 51266, Sept. 22, 1999; 64 FR 60359, Nov. 5, 1999; 65 FR 38701, June 21, 2000; 65 FR 57743, Sept. 26, 2000; 66 FR 59730, Nov. 30, 2001]

§ 69.5 Persons to be assessed.

(a) End user charges shall be computed and assessed upon public end users, and upon providers of public telephones, as defined in this subpart, and as provided in subpart B of this part.