

## Title 35-A, §9103, Conditions of alternative form of regulation

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### §9103. Conditions of alternative form of regulation

Unless the commission specifically finds that the following objectives are not in the best interests of ratepayers, the commission shall ensure that any alternative form of regulation it adopts under section 9102 is consistent with the following objectives. [1993, c. 638, §2 (new).]

**1. Alternative regulation; period.** For the period of the alternative form of regulation, which may not be less than 5 years nor exceed 10 years without affirmative reauthorization by the commission, ratepayers as a whole, and residential and small business ratepayers in particular, may not be required to pay more for local telephone services as a result of the implementation of an alternative form of regulation than they would under traditional rate-base or rate-of-return regulation. [1993, c. 638, §2 (new).]

**2. Costs.** The costs of regulation of telephone utilities must be less under the alternative form of regulation than under rate-base or rate-of-return regulation. [1993, c. 638, §2 (new).]

**3. Mandates.** The alternative form of regulation preserves the ability of the commission to ensure that all legislative and commission mandates directed to the telephone utility are properly executed. [1993, c. 638, §2 (new).]

**4. Safeguards.** The alternative form of regulation must provide adequate safeguards to ensure that risks associated with the development, deployment and offering of telecommunications and related services offered by the telephone utility, other than local telephone services, are not borne by the local telephone service subscribers of the telephone utility and that the utility continues to offer a flat-rate, voice-only local service option. [1993, c. 638, §2 (new).]

**5. Reasonable charges.** The alternative form of regulation must ensure that customers pay only reasonable charges for local telephone services. [1993, c. 638, §2 (new).]

**6. Reasonable return.** The alternative form of regulation must ensure that the telephone utility has, over the period of the alternative form of regulation, a reasonable opportunity to earn a fair return on the investment necessary to provide local telephone services. [1993, c. 638, §2 (new).]

**7. Encourage telecommunications services.** The alternative form of regulation must encourage the development, deployment and offering of new telecommunications and related services in the State. [1993, c. 638, §2 (new).]

**8. Nondiscriminatory charges.** The alternative form of regulation must ensure that another telephone utility pays the telephone utility providing local telephone service reasonable and nondiscriminatory charges for any service used by the other telephone utility to provide its competing service. [1993, c. 638, §2 (new).]

**9. General safeguards.** The alternative form of regulation must include consumer and competitive safeguards.

## **Title 35-A, §9103, Conditions of alternative form of regulation**

[1993, c. 638, §2 (new).]

PL 1993, Ch. 638, §2 (NEW).