# **65-407 PUBLIC UTILITIES COMMISSION**

**Chapter 230: INSTALLATION, MAINTENANCE AND OWNERSHIP OF CUSTOMER PREMISES WIRE**

**SUMMARY:** This rule establishes the Commission's policies concerning the installation, maintenance and ownership of customer premises wire by local exchange carriers.

**§1. Definitions.**

 A. **Customer Premises Wire.** Customer premises wire is wire at a customer's premises that is connected to the local exchange carrier's communication facilities. It is located on the customer's side of the demarcation point.

 B. **Competitive Local Exchange Carrier; Incumbent Local Exchange Carrier.** A local exchange carrier is a local exchange carrier, as defined herein, that is not an incumbent local exchange carrier. An incumbent local exchange carrier is a local exchange carrier or its successor that provided local exchange service in a defined service territory in Maine on February 6, 1996.

 C. **Demarcation Point.** The point of demarcation and/or interconnection between local exchange carrier communication facilities and customer premises wire, protective apparatus or terminal equipment at a subscriber's premises. The demarcation point shall be located as provided in section 3 of this rule.

 D. **Local Exchange Carrier.** As used in this rule, a local exchange carrier is any telephone utility that provides local exchange services.

 E. **Minimum Point of Entry.** The minimum point of entry is either the closest practicable point to where the wiring crosses a property line or the closest practicable point to where the wiring enters a multi-unit building or buildings. A local exchange carrier's reasonable and nondiscriminatory standard operating practices shall be stated in its terms and conditions and shall determine which shall apply.

 F. **Network Interface Device.** A device that includes a jack and plug conforming to Part 68, subpart F of the rules of the Federal Communications Commission, and that permits disconnection of the customer premises wire from the local exchange carrier's communication facilities. When installed it shall serve as the demarcation point, provided that it is located in compliance with the requirements of Section 3. The network interface device shall function as a point that allows testing of whether a malfunction is in the local exchange carrier's communications facilities or is in the customer premises wiring or terminal equipment. The network interface device may be contained in the same unit as a protector, but shall always be on the customer's side of the protector.

 G. **Optional Wire Maintenance Plan.** A plan under which a local exchange carrier, for a monthly or other periodic charge, will maintain customer premises wire without further fee or charge.

 H. **Premises.** Premises as used in this rule means a dwelling unit, other building or legal unit of real property such as a lot on which a dwelling unit is located, as determined by the local exchange carrier's reasonable and nondiscriminatory standard operating practices which shall be stated in its terms and conditions.

**§2. Applicability.**

 This Chapter applies to one and two line business and residential telephone customer premises wiring. Sections 4, 5, and 8 of this Chapter apply to one and two line businesses and residential telephone customer premises wire installation and maintenance services provided by local exchange carriers, unless the customer premises wire services of a local exchange carrier have been deregulated pursuant to 35-A M.R.S.A. § 7306.

**§3. Location of the Demarcation Point.**

 A. **Single Unit Installations.** For single unit installations the demarcation point, if it consists of a jack and plug conforming to Part 68, subpart F of the rules of the Federal Communications Commission or is a network interface device as defined in this rule, shall be located within 30 cm (12 inches) of the protector or, where there is no protector, within 30 cm (12 inches) of where the telephone wire enters the customer's premises. If there is no jack and plug or network interface device, the demarcation point shall be at the customer's side of the protector. If there is no protector, the demarcation point shall be at the location that the telephone wire enters the customer's premises.

 B. **Multi-unit Premises Existing as of August 13, 1990.** For multi-unit premises existing as of August 13, 1990, the demarcation point shall be determined in accordance with the local exchange carrier's reasonable and non-discriminatory standard operating practices which shall be stated in its terms and conditions. Provided, however, that where there are multiple demarcation points within the multi-unit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point 30 cm (12 inches) from where the wiring enters the customer's premises. Facilities installed by a local exchange carrier or other person at, or constituting, the demarcation point, including any network interface devise, shall consist of a jack and plug conforming to Part 68, subpart F of the rules of the Federal Communications Commission.

 C. **Multi-unit Installations after August 13, 1990.** For multi-unit premises in which wiring is installed after August 13, 1990, the local exchange carrier may establish in its terms and conditions a reasonable and non-discriminatory practice of placing the demarcation point at the minimum point of entry. if the local exchange carrier does not elect to establish such a practice, the multi-unit premises owner shall determine the location of the demarcation point or points. The multi-unit premises owner shall determine whether there shall be a single demarcation point for all customers or. separate such locations for each customer. Provided, however, that where there are multiple demarcation points within the multi-unit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point 30 cm (12 inches) from where the wiring enters the customer's premises. Facilities installed by a local exchange carrier or other person at, or. constituting, the demarcation point, including any network interface device, shall consist of a jack and plug conforming to Part 68, subpart F of the rules of the Federal Communications Commission.

**§4. Installation of Customer Premises Wire.**

 A. **Installation by Customers and Premises Owners.** The subscriber and/or premises owner, or a third party hired by such person, may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring that may have been installed by the local exchange carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. All plugs and jacks used in connection with inside wiring shall conform to Part 68, subpart F of the rules of the Federal Communications Commission. Installation performed by the customer shall also comply with any reasonable notice to the carrier and testing requirements and with all applicable technical specifications. Customers shall not be permitted access to the protector.

 B. **Installation by Local Exchange Carriers.** Each local exchange carrier that offers services for installation of customer premises at a per visit or time and materials rate shall include those rates in its schedule of rates and terms and conditions. The rate may be the same as that provided in its schedule of rates for other premises work. The rate established by an incumbent local exchange carrier that is subject to rate-of-return regulation shall be based on cost. The rate established by an incumbent local exchange carrier that is subject to an alternative form of regulation (as defined in 35-A M.R.S.A. §§ 9101-03) or by a competitive local exchange carrier shall be set at no less than cost. When a local exchange carrier installs, modifies or adds to wiring at a customer premises, it shall install a network interface device without charge to the customer at any customer premises that does not have a network interface device. The network interface device shall be installed at the demarcation point as required by Section 3.

**§5. Maintenance of Customer Premises Wire.**

 A. **Disaggregation of Maintenance Charges from Basic Rates.** The customer or premises owner has the financial responsibility for maintenance of customer premises wire. Charges for the maintenance of customer premises wire that have been included in the basic exchange rate shall be disaggregated from the basic exchange rate, which shall be correspondingly reduced. Charges for optional maintenance performed by the local exchange carrier shall be as provided in subsections C and D.

 B. **Maintenance by Customers or Premises Owners.** A customer or the premises owner, or a third party hired by a customer or premises owner, may maintain or repair customer premises wire, including customer premises wire that was installed by local exchange carrier. Maintenance performed by the customer shall comply with any reasonable notice to the carrier and testing requirements and with any applicable technical specifications. Customers or third parties hired by customers shall not be permitted access to the protector.

 C. **Maintenance by the Local Exchange Carrier.** Each local exchange carrier that offers services for the maintenance of customer premises wire at per-visit or a time and materials rate shall include those rates in its schedule of rates. The rate may be the same as that provided in the carrier's schedule of rates for other premises work. The-rate established by an incumbent local exchange carrier that is subject to rate-of-return regulation shall be based on cost. The rate established by an incumbent local exchange carrier that is subject to an alternative form of regulation (as defined in 35-A M.R.S.A. §§ 9101-03) or by a competitive local exchange carrier shall be set at no less than cost.

 D. **Installation of Network Interface Device at Time of Diagnosis or Maintenance.** When a local exchange carrier, upon the request of a customer, performs any diagnosis at the customer's premises to determine the location or nature of a problem, or performs maintenance at the customer's premises, including any service performed on the carrier's side of the demarcation point, and there is no network interface device at the premises, the carrier shall not charge for the diagnostic service and shall install a network interface device at no charge to the customer. Pursuant to Section 4, this section, and its own terms and conditions, the local exchange carrier shall charge for maintenance or installation of new customer premises wire, if the customer requests those services. If the terms and conditions of the local exchange carrier are inconsistent with the requirements of this paragraph, the carrier shall file a revision to its terms and conditions to comply with this subsection within 60 days of the effective date of this subsection.

 E. **Optional Wire Maintenance Plans.**

 1. **Participation.**

 No local exchange carrier is required to offer an optional wire maintenance plan. If a local exchange carrier does offer an optional wire maintenance plan, a customer shall be a participant in the plan only if that customer has positively indicated a desire to participate.

 2. **Exclusions.** A local exchange carrier in its terms and conditions may required that customer-installed premises wire must meet company or National Electric Code specifications in order to be covered by the optional wire maintenance plan or may impose other reasonable conditions or exclusions of coverage. All such requirements or exclusions shall be stated in the local exchange carrier's terms and conditions approved by the Commission. For any such requirement or exclusion, a telephone utility shall provide prominent written notice of the requirement or exclusion to each subscriber prior to the time of subscription or within 30 days thereafter. The contents of the notice shall be included in the local exchange carrier's terms and conditions approved by the Commission.

 3. **Inapplicability of Requirements or Exclusions.** No requirements or exclusion described in paragraph 2 shall apply if (a) the requirement is not contained in the local exchange carrier's approved terms and conditions; (b) the contents of the notice of the requirement or exclusion is not contained in the local exchange carrier's approved terms and conditions; or (c) the local exchange carrier failed to provide notice to the customer in compliance with the requirements of paragraph 2. In any dispute concerning whether prominent written notice was reasonable or was provided, the telephone utility offering the plan shall have the burden of proof.

**§6. Installation of Network Interface Device by Customers or Premises Owners.**

 Customers, premises owners, or third parties hired by a customer or premises owner, may install a standard jack and plug or a network interface device at the demarcation point, provided that the jack and plug comply with Part 64, subpart F of the rules of the Federal Communications Commission and that the location complies with Section 3 of this rule. The jack and plug or network interface device shall be accessible to the customer. Customers shall not be permitted access to the protector.

 A local exchange carrier may state in its terms and conditions that it has undertaken a program to install network interface devices or combined network interface-protector units that are weatherproofed or have special testing abilities or other features at demarcation points as provided in Section 3 and that are outside buildings or otherwise accessible to the carrier at convenient times. Local exchange carrier engaged in a program as described may provide in its terms and conditions that combination network interface-protector units must be installed by the local exchange carrier or that customers who install a network interface device that is not combined with a protector shall install a type approved by the carrier and in a location approved by the carrier. A local exchange carrier engaged in a program as described may also provide in its terms and conditions that in the event that both the carrier and the customer install devices that are capable of serving as the network interface device and as the demarcation point in accordance with Section 3, the carrier-installed network interface device shall be the demarcation point.

**§7. Ownership of Customer Premises Wire.**

 Customer premises wire shall be owned by the customer or premises owner, as determined by law or contract, whether it is installed by a telephone utility or by another person.

**§8. Inconsistent Rate Schedules and Terms and Conditions.**

 This Chapter supersedes any inconsistent rate schedules and terms and conditions of a local exchange carrier. All local exchange carriers shall revise their terms and conditions or schedule of rates to implement and to be consistent with this chapter, including the 1997 amendments to this chapter, and shall file revisions that comply with the 1997 amendments by September 1, 1997.

**§9. Waiver.**

 Any provider of telecommunications services subject to the provisions of this Chapter may request that the Commission waive some or all of its requirements of this Chapter. Where good cause exists, the Commission may grant the requested waiver, provided that the granting of the waiver would not be inconsistent with the policies and intent of this Chapter.

STATUTORY AUTHORITY:

 35-A M.R.S.A. §111

EFFECTIVE DATE:

 February 4, 1985 (as Chapter 23)

AMENDED:

 September 21, 1985 (as Chapter 23)

EFFECTIVE DATE OF 1997 AMENDMENTS:

 June 18, 1997 (as Chapter 230)

NON-SUBSTANTIVE CORRECTION:

 August 19, 1997 - closing of space in "exchange" in §6.

CONVERTED TO MS WORD:

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