ORDER NO. 04-095

ENTERED FEB 19 2004

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1070

In the Matter of	)	
	)	
The Opening of An Investigation to Consider The Adoption of Guidelines for the Migration of Customers When A Carrier Exits the Market and Abandons or Discontinues Service.	)))))	ORDER

DISPOSITION: MASS MIGRATION GUIDELINES ADOPTED

At its public meeting on January 21, 2003, the Commission opened an investigation into guidelines for the migration of customers when a telecommunications carrier exits the market and abandons or discontinues service. Order No. 03-084 (AR 434). Telecommunications utilities, competitive telecommunications providers and Commission Staff (Staff) participated in a series of meetings and conference calls to develop guidelines. The participants are listed in Appendix A. On October 13, 2003, Staff circulated to the parties its proposed guidelines based on the discussions between the participants. On November 12, 2003, Staff, Qwest Corporation (Qwest), and Verizon Northwest Inc. (Verizon) filed opening comments. Approximately one month later, Staff, Verizon, and Covad Communications Company (Covad) filed reply comments.

The Commission opened the investigation based on the recommendations of Verizon and Allegiance Telecom of Oregon, Inc. (Allegiance), a telecommunications utility and a competitive provider. These carriers explained that several state commissions, including the New York Public Service Commission (NYPSC), have adopted such guidelines to assist carriers and customers to assure a continuation of service when a carrier goes out of business.

Background

Staff's proposed guidelines note that migration of a large number of a carrier's customers to a new carrier requires special cutover procedures to accommodate a large number of service orders over a short period of time. The carriers need to suspend normal order processing for the customers involved in the migration and follow detailed procedures. Staff's proposed guidelines are attached as Appendix B.

The guidelines set forth a clear objective and a set of general principles. The objective of the guidelines is to insure that when a competitive local exchange carrier (CLEC) discontinues local service, the CLEC's customers must have the opportunity to migrate to another local exchange carrier without interruption of voice, or combined voice and data, service.

The general principles are to:

1. Insure that customers do not lose voice, or combined voice and data, service when their local service provider exits the market.
2. Insure that customers are provided ample notification to allow the customer to select the voice and data carrier of the customer's choice.
3. Avoid double migrations. Double migrations are generally the product of timing constraints. The customer is migrated to a carrier that has an arrangement to acquire the exiting CLEC's customers, and then to the carrier of the customer's choice.
4. Coordinate information flow and activities through a project management team.
5. Insure that the exiting CLEC provides sufficient network information for each customer's new carrier to migrate the customer seamlessly.
6. Maintain the ability of regulators to monitor events and assist parties if needed.
7. Comply with federal and state laws and regulations.

To accomplish the objective and principles, the guidelines address procedural requirements for regulatory, industry, and customer notification, mass migration process, NXX code (thousand number block) transfers, unlocking the E-911 database, transfers of preferred local exchange carrier freezes on services affected by a migration, and preservation of rights for network service provider and interconnecting carriers to terminate or suspend service.

Participant Comments

Verizon supports the adoption of all but one provision of the guidelines. It submitted guidelines in this proceeding that are similar to guidelines adopted by the NYPSC, the Massachusetts Department of Telecommunications and Energy, and the Connecticut Department of Public Utility Control. Verizon asserts that the guidelines are a comprehensive, balanced, and reasonable approach to abandonment issues which cannot easily be translated into rules. It supports the adoption of guidelines because they are flexible, relatively easy to amend, and easier to apply in unique situations. Verizon notes that the guidelines are more detailed than the rules that the Commission adopted in AR 434. Verizon believes that the guidelines should supercede the rules adopted in AR 434.

Verizon proposes changing item 11(n), under Exit Plan, to state, “Circuit ID with associated telephone number.” None of the participants objected to that change.

Verizon objects to including in the guidelines data services that share the line with voice services. Verizon argues that the Commission intended the guidelines to protect customers from being stranded without voice services because their CLEC was abandoning service. It contends that including data services was not agreed to during the collaborative meetings. Verizon notes that guidelines in other states are limited to voice services. Verizon contends that the competitive market for data services does not require the protection offered by mass migration guidelines.

In addition, Verizon states that the Commission should not assume that the guidelines will work for data services. Verizon notes that data service arrangements can be complex, involving several service providers, each with different vendor business relationships. Issues of technology differences among providers, type of services offered, equipment compatibility, loop lengths, and conditioning are all factors that can make each end user unique in a data migration. Furthermore, some provisions of the guidelines have nothing to do with data services. Finally, Verizon notes that the Commission can consider data services in the future.

Staff supports the guidelines. It notes that the guidelines complement the Commission’s abandonment of service rule, OAR 860-032-0020, adopted in AR 434. It believes the guidelines will provide a minimum code of conduct for the industry, a code that is being followed on a national scale. Staff believes the industry will self-monitor compliance. As a result, the Commission’s enforcement role will be limited. Also, Staff sees a benefit from the guidelines in that they will be helpful to new or less sophisticated members of the industry.

Staff argues the guidelines should apply to data services. It explains that the participants briefly discussed including data services in the UM 1070 workshops. Further, Staff notes that Verizon has provided no examples of problems that would result from applying the guidelines to data services.

Covad disagrees with Verizon’s proposal to remove data services from the guidelines. It claims that Verizon had three months to object to the inclusion of data services during the parties’ deliberations. Covad joins Staff in pointing out that Verizon did not identify any specific problems with including data services in the guidelines. Covad also points out that the California Public Utilities Commission is considering certain types of data services in migration scenarios for its Federal Communication Commission’s Triennial Review proceeding.[1] Finally, Covad contends that excluding data services will result in poor service for customers seeking seamless migration of data and voice services. Covad asserts that customers with

[1] Assigned Commissioner’s and Administrative Law Judge's Ruling on Scope and Schedule for Rulemaking for Nine-Month FCC Triennial Review Proceeding, *Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service*, 95-04-043, Investigation 95-04-044 at page 8 (adopted October 8, 2003).

bundled voice and data service will expect to have all services migrated with minimal interruption.

Neither Sprint nor Qwest propose any language changes to the guidelines. Both companies support the guidelines, as proposed.

DECISION

The Commission adopts Staff's proposed guidelines, with the modification to the Exit Plan proposed by Verizon. We will take no action regarding the abandonment rule adopted in AR 434. We agree with Staff that the rule and the guidelines adopted here are complementary.

In AR 434, we initiated this proceeding based on the recommendations of Verizon and Allegiance Telecom of Oregon. Those carriers persuaded us that our rules are not sufficiently detailed to address all the issues that might arise when a large number of customers migrates from carrier to carrier. We agreed with them that non-binding guidelines could be implemented to provide a flexible, detailed framework for carrier collaboration. We are keeping the rules adopted in AR 434 in place, however, so there is a fallback if collaborative processes breakdown.

We conclude that these guidelines will accomplish that goal by promoting rapid and effective migration of customers to new carriers in the event a CLEC discontinues service. We agree with Staff's comments regarding the benefits of adopting these guidelines. We look forward to national standards to insure that all customers are served in a consistent, responsive manner. As Staff pointed out, by adopting flexible, non-binding guidelines, we are setting in place a framework that can be modified as the need arises. Since the industry will be taking the primary role in implementing the guidelines without our direct involvement, we see these guidelines as promoting positive working relationships within the industry, relationships that will work in the best interests of the customers.

We recognize Verizon’s concerns about including data services in the guidelines. However, we believe the customers will be best served if the migration addresses as many customer service needs as possible. We agree with Covad that customers are looking for an efficient, seamless migration. These guidelines should promote that objective.

We also acknowledge Verizon’s point that migrating voice and data service for large numbers of customers is more complicated than simply migrating voice services. However, the guidelines adopted here are not hard and fast rules. The carriers involved in the migration can modify them to address unique problems that might arise. If the receiving carrier finds that accepting data service from the exiting carrier is burdensome, it can notify the customers of its decision and refuse to accept service.

Overall, the guidelines promote better customer service and industry cooperation. We adopt the guidelines with the changes described above.

ORDER

IT IS ORDERED that the MASS MIGRATION GUIDELINES set forth in Appendix B are adopted.

Made, entered, and effective ______________________________.

Lee Beyer Chairman	**John Savage** Commissioner
	Ray Baum Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.

UM 1070

In the Matter of An Investigation to Consider
the Adoption of Guidelines for the Migration
of Customers when a Carrier Exits the Market
and Abandons or Discontinues Service

Companies Represented

Allegiance Telecom of Oregon

AT&T Communications of the Pacific Northwest

Electric Lightwave, Inc.

COVAD Communications Company

Integra Telecom of Oregon, Inc.

MCI Worldcom Communications, Inc.

Oregon Telecom, Inc.

Qwest Corporation

Sprint/United Telephone Company of the Northwest

Verizon Northwest, Inc,

Worldcom, Inc.

APPENDIX A
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Public Utility Commission of Oregon

Mass Migration Guidelines

These Guidelines were developed through a collaborative process with representatives from telecommunications utilities, competitive providers, and the Public Utility Commission. The Guidelines are to be used when a Competitive Local Exchange Carrier exits the local exchange services market, or a portion of the market, and has customers to migrate to other carriers. Such a mass migration of customers will require special cutover procedures to accommodate a large number of service orders over a short period of time. Carriers will need to suspend normal order processing for the customers involved in a mass migration and follow the processes outlined in these Guidelines.

Table of Contents

I. Objective

When a Competitive Local Exchange Carrier ("CLEC") discontinues local exchange services, customers of that CLEC must have the opportunity to migrate to another local exchange carrier without interruption of voice, or combined voice and data, service.

II. General Principles

The goals of these Guidelines are to:

1. Ensure that customers do not lose voice, or combined voice and data, service when their local service provider exits the market.
2. Ensure that customers are provided ample notification to allow the customer to select the voice and data carrier(s) of the customer's choice.
3. Avoid double migrations. Double migrations are generally the product of timing constraints, where the customer is migrated to a carrier that has an arrangement to acquire the exiting CLEC's customers, and then to the carrier of the customer's choice.
4. Coordinate information flow and activities through a project management team.
5. Ensure that the exiting CLEC provides sufficient network information for each customer's new carrier to migrate the customer seamlessly.
6. Maintain the ability of regulators to monitor events and assist parties if needed.
7. Comply with federal and state laws and regulations.

III. Regulatory Notification

The Public Utility Commission of Oregon ("Commission") requires that any CLEC that will no longer be serving customers in a particular market must notify the customers, other affected carriers, and the Commission 90 days prior to discontinuance of service (PUC administrative rule OAR 860-032-0020). Notice to the PUC must be in an electronic format suitable for posting on the Commission website.

The CLEC should also file an Exit Plan with the Commission at the same time it files notice. The Exit Plan should contain the information noted in the checklist below. The Commission staff ("Staff") will review the Exit Plan and provide feedback to the exiting CLEC. Exit Plans will not be approved by Staff, but Staff will advise the CLEC whether the Exit Plan contains sufficient information to be useful to the CLEC's customers and other carriers.

The Exit Plan should be filed with the Commission at least 90 days in advance of the proposed date for discontinuance of service. Whatever the advance notification period is, it must provide sufficient time for the CLEC to migrate its customers to other carriers. As a result, it is expected that complex migrations will require more advance notification than simple migrations.

The Exit Plan should include:

1. A sample of the initial letter to be sent to the customers.
2. Plans for follow-up notification arrangements, such as a second letter, phone calls, bill inserts, e-mails.
3. A proposed final service termination date.
4. A cutoff date before which customers must select a carrier. Usually, this will be 30 days before the discontinuance of service date.
5. Contact names and telephone numbers for the exiting CLEC's cutover coordinator, regulatory contact, and other pertinent personnel, e.g., customer service record (CSR) and/or provisioning contacts, if separate.
6. Any arrangements made for an acquiring carrier. Note: (a) If the acquiring carrier will accept <u>all</u> customers, then OAR 860-032-0020(5)(g) applies. (b) If the acquiring carrier will not accept all customers, i.e., it wants to do credit checks or require deposits first, then 860-032-0020(5)(h) applies. (c) If there is no acquiring carrier, then 860-032-0020(5)(i) applies.
7. Steps to be taken with the number code and/or pooling administrator to transfer NXX or thousand number blocks (if applicable) while preserving number portability for numbers within the code.
8. The current customer serving arrangements and the underlying service provider, e.g. resale, UNE-Platform, UNE-Loop, or full facilities.
9. Identification of customers where the exiting CLEC is the only provider of facilities to a customer or group of customers.
10. The number of customers impacted.
11. A summary of how (what format) customer service records (CSRs) are being kept, a statement of what data elements are in these CSRs, and a statement about how the CSRs will be made available to other carriers. See OAR 860-032-0520.
    Data elements in the CSRs are:
    a) Billing telephone number
    b) Working telephone number
    c) Complete customer billing name and address
    d) Directory listing information, including address, listing type
    e) Complete service address, including floor, suite, unit
    f) Current PICs (inter/intraLATA toll), including freeze status
    g) Local freeze status, if applicable
    h) All vertical features – (e.g., custom calling, hunting)
    i) Options – (e.g., Lifeline, 900 blocking, toll blocking, remote call forwarding, off premises extensions)
    j) Tracking number or transaction number (e.g., purchase order number)
    k) Service configuration information (e.g., resale, UNE-Platform, UNE-Loop, full facilities)
    l) Identification of all underlying providers. e.g., network, loop and data

m) Identification of any line sharing/line splitting or data services
n) Circuit ID with associated telephone number.

12. Any transfer of assets or control.
13. Plans for handling customer deposits, credits, and for termination liabilities or penalties.
14. Plans for unlocking the E-911 database, including the letter detailed in Section VIII.

IV. Industry Notification

This step will help manage the migration process. Specifically, carriers should be aware that there are special order processing procedures associated with mass migrations. In order to avoid duplicate orders and confusion, when a carrier is notified of a mass migration, it should process any associated orders on a cutover coordination basis. To determine how to process orders, the carrier may check the Commission website under CLEC migrations for contact information or special instructions. If the contact information or instructions are not available, the carrier should check with the exiting or acquiring CLEC project manager.

Notification will include the following steps:

1. When notified, the Commission will post this information at the 'CLEC Abandoning Service' location of the Commission website, http://www.puc.state.or.us/.

2. When notified, the Commission will send out notification to a carrier contact list with information regarding the CLEC exiting the market. Every carrier is responsible to assure that its information on the Commission list is accurate.

3. At least 90 days before abandoning service, the exiting CLEC must notify every underlying provider used by it to provide service. (OAR 860-032-0020) Notice shall also be sent to any underlying provider currently providing data services (e.g., DSL) to the exiting CLEC's customers over the same loop as the voice provider. The notice shall be sent to the underlying provider's regulatory affairs representative, account representative for the exiting CLEC, and to any other representative to whom the exiting CLEC is required to give notice under its interconnection, resale or service agreement with the underlying provider.

4. OAR 860-032-0020 also requires notification to Oregon Emergency Management (E-911) and to the North American Numbering Plan Administrator (NANPA) and to the national administrator of the Local Exchange Routing Guide (LERG).

5. If necessary, a conference call may be established by Staff in order to address potential problem areas and procedures.

V. Customer Notification

A. Timeline

Carriers involved in mass migrations should meet the following timelines in order to ensure enough time to migrate customers.

- The exiting CLEC and any carrier with whom the exiting CLEC has an arrangement to acquire the exiting CLEC's customers (when applicable) must notify customers 90 days in advance of the final service termination date. This letter must comply with FCC and Commission requirements, and should include a list of rates and terms of the acquiring carrier.
- The acquiring CLEC must provide its potential customers 60 days to make an informed decision before it begins migrating customers. Thus, the first 60-day segment after the initial notification will be the decision period. The remaining 30 days after the 90-day notice will be used by the acquiring carrier to migrate customers.

If an exiting CLEC or acquiring carrier is unable to meet any of these deadlines, under OAR 860-032-0020 it may apply to the Commission for a waiver of the deadline(s). Also, it should notify Commission staff and other affected carriers.

B. Contents

Appendix A to these Guidelines contains two sample letters that illustrate what information must be included in the letter to be sent by the exiting CLEC who is notifying customers of discontinuing service. Letter #1 represents the information that the exiting CLEC must send to the customer when there is a pre-arranged acquiring carrier. Letter #2 represents the information that the exiting CLEC must send to the customer when there is not a pre-arranged acquiring carrier.

The appropriate customer notification letter shall include the following elements, at a minimum, and must comply with OAR 860-032-0020:

- Identify the exiting carrier, including the address and phone number of contact persons for information about the discontinuance or abandonment.
- Identify the services and geographic areas to be abandoned.
- Identify the new primary carrier, if applicable.
- State the customer's right to choose an alternative carrier.
- State the customer's need to take prompt action when there is no acquiring carrier.
- Provide clear instructions regarding the choice of an alternative provider.
- Provide clear instructions regarding the customers' ability to retain existing data services and provide information on alternative data providers.

- Provide a toll-free number for the exiting provider and the new provider (if there is an acquiring carrier).
- State when service will be discontinued and clearly state deadlines for customer action in accordance with these Mass Migration Guidelines.
- Provide information about long distance service and whether it may be impacted by the cutover.
- State the customer's responsibility for payment of telephone bills during the migration period.
- State how exiting CLEC will handle refunds for prepaid unused service and for deposits.

A second notice should be given to each customer who has not selected a new carrier. The timeframe for the second notice will depend on circumstances of the migration. The form of the second notice will be left to the discretion of the exiting carrier and could include any: Follow-up letter, Telephone call to the customer, Bill insert, or other means of direct contact with the customer.

Mass migrations involving a pre-arranged acquiring provider must identify a cut-off date. The cut-off date is defined as the date after which customers will have to wait until the mass migration is completed before they can obtain local exchange service from a different provider. When customers are notified 90 days in advance of the proposed service termination date, the cut-off date will be 30 days before the scheduled migration. This cut-off date is intended to ensure that customers have adequate time to make a decision and that the acquiring carrier has adequate time to send out notification information concerning the scheduled migration. Customers who have not selected an alternative provider by the cut-off date will then be transferred to the acquiring carrier. If, pursuant to Section V.A., above, and OAR 860-032-0020, the Commission permits a customer notice interval of less than 90 days, the Commission may establish a cut-off date. In any case, the notification process must allow customers at least 30 days to select a new local carrier.

VI. Mass Migration Process

Each mass migration must have an overall program manager responsible for coordinating the overall migration. In addition, each of the parties involved in the migration must have a project manager who works with the overall program manager and is accountable to the overall program manager for the project manager's company's mass migration efforts. The overall program manager is accountable to each of the parties involved in the migration. The individual parties involved in the migration could be:

- The exiting CLEC
- If applicable, the Old Network Service Provider for loop and/or switch
- If applicable, the current data (e.g., DSL) CLEC
- If applicable, the pre-arranged acquiring carrier
- If applicable, the New Network Service Provider for loop and/or switch

The overall program manager will generally be provided by the pre-arranged acquiring carrier. If there is no pre-arranged acquiring carrier, the overall program manager will be provided by the exiting CLEC.

Customer Lists and Information

At least 90 days prior to the projected discontinuance of service date, the exiting carrier must provide a customer list to the acquiring CLEC.

Carriers' submission of customer lists and disclosure of customer list information is subject to applicable laws and regulations relating to public disclosure of customer information (e.g., OAR 860-032-0510, 47 USC 222, and 47 CFR, Part 64, §64.2001 to §64.2009), confidential trade secret status, and privacy protections.

Customer lists should include: customer name, telephone number(s), address, class of service, type of serving arrangements (e.g., resale, UNE-Platform, UNE-Loop, full facilities, combined Voice and Data), and identification of all underlying providers (e.g., network, loop and data). To the extent possible, customer lists shall also include an identification of "priority" or "essential" customers. For purposes of these Guidelines, "priority/essential" customers will be defined as: Hospital, Ambulance, Police, Fire, National Security, Civil Defense, and customers who have Telecommunications Service Priority (TSP) authorization from the federal government. Also, to the extent possible, customer lists should identify "at risk" customers, whose particular serving arrangements may create cutover problems.

Additionally, the exiting CLEC must have available CSR information so the acquiring carrier(s) can migrate customers seamlessly. <u>See</u> OAR 860-032-0520 for requirements regarding Customer Service Records (CSRs). Specifically, the information required to migrate a customer is:

1. Type of serving arrangements (e.g., resale, UNE-Platform, UNE-Loop, full facilities, combined Voice and Data) and identification of all underlying providers (e.g., network, loop and data)
2. Class of service
3. Customer billing name and address
4. Customer directory listings including stand alone listings if applicable
5. Customer service address
6. Billing telephone number and associated telephone numbers
7. Vertical features and options used by customer
8. If applicable - circuit IDs

Progress Reports

The exiting CLEC should track the progress of the migrations and provide staff with progress reports. The frequency of the updates will vary with the magnitude of the mass migration cutover as well as customer risk factors.

When processing orders for migrations, all parties will need to be flexible. There may be circumstances where the framework outlined in these guidelines will need to be modified. These guidelines are not intended to preclude parties from negotiating special procedures aimed at facilitating customer service. A model of the mass migration process steps is set out in Appendix B.

VII. NXX Code Transfers

If the exiting CLEC has any NXX codes or thousand number blocks assigned, it must make transfer arrangements with the code administrator at least 66 days prior to the migration (or by such earlier date as shall be specified by the code administrator). If arrangements are not made, calls may not be completed. For specific information, refer to the Central Office Code (NXX) Assignment Guidelines and Thousands-Block (NXX-X) Pooling Administration Guidelines developed by the Industry Numbering Committee. In addition, neither NXX codes nor thousand number blocks can be disconnected if any currently active number within the relevant range of numbers has not been ported.

VIII. E- 911

A CLEC discontinuing service must unlock all its telephone numbers in the E-911 database. This will provide the new local service provider access to a customer's E-911 record. Unlocking the E-911 database is required by the National Emergency Numbering Association's (NENA) standards to which all carriers must adhere. In addition, the exiting CLEC must submit a letter to the appropriate E-911 service provider authorizing the E-911 service provider to unlock any remaining E-911 records after the CLEC has exited the market. This letter must be provided at least 90 days prior to the CLEC's discontinuance of service.

IX. Freezes

All customers who have preferred local exchange carrier freezes on the services affected by a migration will be transferred to the acquiring carrier, unless they select a different carrier before the cut-off date. The exiting CLEC must lift existing preferred local exchange carrier freezes on the services involved. And the exiting CLEC shall inform customers that they must contact their new local service providers to arrange for new local freezes.

X. Network Service Provider or Interconnecting Carrier Termination or Suspension of Service.

Nothing in these Guidelines shall limit, or delay the right to exercise, any right that an incumbent local exchange carrier, or other carrier providing service to or interconnecting with a CLEC, may have under an interconnection or resale agreement, a tariff, or otherwise, to suspend or terminate its provision of interconnection, network elements, or services to a CLEC.

Letter #1-Sample Customer Notification Letter (with primary new carrier)

[This letter must be coordinated with the primary new carrier for appropriate timeframes and rates and terms to be included in the letter.]

XYZ Company [doing business as name]
XYZ Company address
XYZ Company telephone number
XYZ Company fax number

Date (90 days prior to discontinuance of service)
Customer Name
Address
City, Oregon zip code

YOUR SERVICE WILL BE TRANSFERRED TO (name of primary new carrier) UNLESS YOU CHOOSE A NEW LOCAL TELEPHONE SERVICE PROVIDER BY (30 days prior to discontinuance of service date)

Dear Customer:

We regret to inform you that as of (discontinuance of service date) XYZ Company will no longer be providing your local telephone service in Oregon. [Insert explanation of specific company circumstances and reasons for proposed termination of service.]

If you do not select a new local telephone service provider on or before (30 days prior to discontinuance of service date), (name of primary new carrier) will automatically become your local telephone service provider effective (date). If you select an alternative provider after (30 days prior to discontinuance of service date), your choice can only be put into effect after the change to (name of primary new carrier) and will therefore be delayed.

If you currently use data services (e.g. DSL) in conjunction with your local telephone service, you must notify both your data provider and your new local service provider of your desire to retain your current data provider or, if available, to transfer your data service to another provider. Every effort will be made to accommodate your request and avoid disruption to your data service.

You will not incur any charges for the change to (name of primary new carrier). **[Not necessarily true. If new carrier is a telecommunications utility it must charge non-recurring charges pursuant to its tariff. The exiting carrier must check with and coordinate with the new carrier before sending this letter.]** If you select another provider of your choice, you may incur additional charges. In the transfer of service to (name of primary new carrier), all efforts will be made so your telephone number will remain the same, and your existing local service and calling features will also be transferred.

Please be aware that you are responsible for paying all bills rendered to you by XYZ Company during this transition. You may be subject to suspension or termination of your phone service if you fail to pay your telephone bill.

If you do not want service from (name of new primary carrier), your action is required! You must select a new local telephone provider as quickly as possible but no later than (30 days prior to discontinuance of service date). If you no longer want any local service, please contact your current local carrier to disconnect service.

Please note that unless you select a different local telephone provider by (30 days prior to discontinuance of service date), you will be transferred to (name of new primary carrier) even if you have arranged a preferred carrier freeze with XYZ Company. Existing preferred carrier freezes you have arranged with XYZ Company will be lifted. You must contact your new local telephone provider to arrange a new preferred carrier freeze.

After selecting a new local telephone provider, you should also contact your current long distance provider to ensure that your current long distance calling plan is not changed as the result of your change in local service. If you do not contact your long distance provider, you may be charged basic rates (non-calling plan rates) for long distance calls.

[Insert plan for refund of customer deposits and unused pre-paid services and how contract termination liabilities will be handled.]

[Insert plan for transfer, removal or abandonment of any XYZ Company-owned equipment or facilities located on the customer's premises.]

[Insert customer's network information, if applicable (e.g., circuit identification information and carrier facility assignment information).]

[Insert information on primary new carrier's services and rates, terms and conditions, and on the means by which primary new carrier will notify the customer of any changes to these rates, terms and conditions. Be sure to state whether the new carrier will charge initial non-recurring charges to new customers.]

[Insert statement on whether primary new carrier will be responsible for handling any complaints against XYZ Company prior to or during the transfer.]

[Insert any other information required by applicable law, including, but not limited to, any other information required by the Oregon Public Utility Commission (OAR 860-032-0020) or the Federal Communications Commission.]

If you have any questions regarding the discontinuance of XYZ Company's local telephone service, please call (toll free number). Questions regarding (primary new carrier) should be directed to (toll free number of primary new carrier).

XYZ Company was authorized to provide telecommunications service in Oregon by the Oregon Public Utility Commission. You may address questions about this letter to the Public Utility Commission at:

Public Utility Commission
Consumer Services
550 Capitol St., NE Suite 215
P.O. Box 2148
Salem, OR 97308-2148
Tel: 1-800-522-2404
Fax: 503-378-5743

You may obtain a copy of the Public Utility Commission's rules relating to telecommunications carrier certification and regulation by linking from the Public Utility Commission website: <u>www.puc.state.or.us/link/Oregon Administrative Rules</u>. Select Division 32. Contact information for telecommunications carriers operating in Oregon is available through the Commission website: <u>www.puc.state.or.us/eDockets/Utility Company Search</u>.

XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

Appendix A

Letter # 2-Sample Customer Notification Letter (without a primary new carrier)

XYZ Company [doing business as name]
XYZ Company address
XYZ Company telephone number
XYZ Company fax number

Date (90 days prior to discontinuance of service)
Customer Name
Address
City, Oregon zip code

YOU MUST CHOOSE A NEW LOCAL TELEPHONE SERVICE PROVIDER BY (30 days prior to discontinuance of service date) OR YOU MOST LIKELY WILL LOSE TELEPHONE SERVICE.

Dear Customer:

We regret to inform you that as of (discontinuance of service date) XYZ Company will no longer be providing your local telephone service in Oregon. (Explanation of circumstances and reasons for proposed termination of service.)

Your action is required! You must select a new local telephone provider as quickly as possible but no later than (30 days prior to discontinuance of service date) or you most likely will lose your telephone service. If you have data service (e.g. DSL) with your existing local telephone service, you must contact your data provider and arrange to have your data service established in conjunction with your new local telephone provider, if available, or select another data provider affiliated with your new local telephone service provider.

Please be aware that you are responsible for paying all bills rendered to you by XYZ Company during this transition. You may be subject to suspension or termination of your phone service if you fail to pay your telephone bill.

After selecting a new local telephone provider, you should also contact your current long distance provider to ensure that your current long distance calling plan is not changed as a result of your change in your local service. If you do not contact your long distance provider, you may be charged basic rates (non-calling plan rates) for long distance calls.

[Insert plan for refund of customer deposits and unused pre-paid services and how contract termination liabilities will be handled.]

[Insert plan for transfer, removal or abandonment of any XYZ Company-owned equipment or facilities located on the customer's premises]

[Insert customer's network information, if applicable (e.g., circuit identification information and carrier facility assignment information).]

[Insert any other information required by applicable law, including, but not limited to, any other information required by the Oregon Public Utility Commission (OAR 860-032-0020) or the Federal Communications Commission.]

If you have any questions regarding the discontinuance of XYZ Company's local telephone service, please call (toll free number). XYZ Company was authorized to provide telecommunications service in Oregon by the Oregon Public Utility Commission. You may address questions about this letter to the Public Utility Commission at:

Public Utility Commission
Consumer Services
550 Capitol St., NE Suite 215
P.O. Box 2148
Salem, OR 97308-2148
Tel: 1-800-522-2404
Fax: 503-378-5743

You may obtain a copy of the Public Utility Commission's rules relating to telecommunications carrier certification and regulation by linking from the Public Utility Commission website: www.puc.state.or.us/link/Oregon Administrative Rules. Select Division 32. Contact information for telecommunications carriers operating in Oregon is available through the Commission website: www.puc.state.or.us/eDockets/Utility Company Search.

Generally, you can find a list of most local telephone service providers in your local telephone directory. If you require assistance, please contact XYZ Company at (toll free number). Finally, if you no longer want local service, please contact us to disconnect your service.

XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

Day*	Milestone
90	• Exiting CLEC gives notice of its proposed discontinuance of service to any Network Service Provider used by the exiting CLEC to provide service. • Notice shall also be provided to any Network Service Provider currently providing data services (e.g. DSL) to the Exiting CLEC's customers over the same loop as the voice provider. • Exiting CLEC files an Exit Plan with the Commission. • Commission posts information regarding the CLEC exiting the market on Commission's website. (*See* Section IV) • Commission informs industry contacts regarding the CLEC exiting the market. (*See* Section IV) • Exiting CLEC begins process to transfer its NXX codes in accordance with industry procedures. (*See* Section VII) • Exiting CLEC notifies Oregon Emergency Management (E-911), the North American Numbering Plan Administrator (NANPA), and the national administrator of the Local Exchange Routing Guide (LERG). • Exiting CLEC unlock all its telephone numbers in the E-911 database. (*See* Section VIII) • Exiting CLEC lift existing preferred local exchange carrier freezes. (*See* Section IX)
90	▪ Exiting CLEC notifies customers that it is exiting the market. Informs them that if they do not select another carrier within 60 days, 1. They will be transferred to the acquiring carrier (if there is one), or 2. They may be without phone service (if there is no acquiring carrier) ▪ Exiting CLEC provides customer information lists to acquiring carrier.
75	▪ Acquiring carrier notifies customers of their status. ▪ The acquiring carrier notifies its Network Service Provider Account Manager of its need for a Mass Migration Project Manager. (This is the minimum allowable timeframe. The acquiring carrier should notify its Network Service Provider as early as possible regarding a Mass Migration.) ▪ Acquiring carrier notifies its Network Service Provider of the total number of lines and the Central Offices or collocations involved in the migration. (Note there is a maximum number of lines that can be worked per night per geographical area).
66	▪ Complete arrangements to transfer NXX codes or thousand number blocks with the code administrator. (*See* Section VII)
30	▪ If there is an acquiring carrier, customers who have not selected a carrier will be migrated to the acquiring carrier.
17	▪ The acquiring carrier's Network Service Provider Project Manager advises acquiring carrier of the Due Dates and the number of lines per Central Office per due date.

15	▪ Acquiring carrier issues valid LSRs no later than 15 business days prior to Due Date, if required. (If reusing loop facilities, exiting CLEC must provide reusable circuit ID with the associated telephone number.) ▪ The acquiring carrier's Network Service Provider Project Manager provides specifics to be included on LSRs, e.g., Frame Due Times. Due Dates on any LSRs sent after this interval must be negotiated with the Project Manager. Late LSRs may not be included in Project.
12	▪ Upon receipt of valid LSR, the acquiring carrier's Network Service Provider to provide LSR Confirmation to acquiring carrier.
10	▪ Where appropriate (i.e. loop migrations), acquiring carrier provides its Network Service Provider's Project Manager with spreadsheet or other negotiated document for each CO. Spreadsheet will include CO, PON, BTN, WTN, CLEC Cable and Pair, Circuit ID, and Out and In order numbers (obtained from LSRC). **[Do you mean 'from LSR'??]** ▪ The acquiring carrier's Network Service Provider performs all pre-work to ensure migration's smooth progress (e.g. pre-wiring, ANAC, etc.) consistent with provisioning requirements of specific type of service.
2	▪ The acquiring carrier's Network Service Provider notifies acquiring carrier of any discrepancies. ▪ Acquiring carrier takes appropriate actions required to correct discrepancies.
1	▪ Unresolved service order discrepancies rescheduled for evaluation.
0	▪ Target discontinuance of service date. All scheduled orders worked. Exiting CLEC must notify Commission, pursuant to OAR 860-032-0020, at least 90 days prior to terminating local service.

*Note: **Day** means at least listed number of days before discontinuance (termination, abandonment) of service.