

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.18 RULE 18 - CUSTOMER'S PRIVATE SERVICE NOT FOR PUBLIC USE

Telephone service, other than Public Access Line (PAL) Service, is furnished for the use of the customer, his family and persons residing in his home, or his employees or representatives, except as service may be extended to "joint users."

Flat rate and message rate services are not installed on premises of a public or semipublic character in a location where the telephone would be accessible for use by the patrons of the customer or the public in general.

If it is found that the customer is permitting public use of service furnished him for his private use, the Utility will thereafter provide Public Access Line (PAL) Service, except where the customer consents to the instrumentalities being so located as to be inaccessible to the public or permits no further public use after the matter has been called to his attention.

If it is found that the customer is sharing the use of his business service with an individual or concern, other than an employee, member or officer of the customer's concern, or of a "joint user," the Utility will thereafter require the customer to take "joint user" service therefore except where the customer permits no further joint use of the service after the matter has been called to his attention or where the joint user vacates the customer's premises or becomes a customer to business service in the same exchange.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.19 RULE 19 - BUSINESS AND RESIDENCE SERVICE

The applicability of business and residence rates is governed by the actual and obvious use made of the service. The use which is to be made of the service will be ascertained from the applicant at the time of application for service.

A. Business Rates Apply at the Following Locations

1. In offices, stores, factories, and all other places of a strictly business nature.
2. In boarding houses and rooming houses with more than five rooms available for rent (except as noted under Paragraph 2.1.19.B. following), colleges, clubs, lodges, schools, libraries, churches, lobbies and halls of hotels, apartment buildings, hospitals, and private and public institutions.
3. At any location when the listing of "office" is provided, or when any title indicating a trade, occupation, or profession is listed (except as modified under the directory listing schedule), and at any location classified under Paragraph 2.1.19.B. following, regardless of the form of listing, when extension service is provided to a place not a part of a domestic establishment.
4. At a residence location when the customer has no regular business telephone service and the use of the service by himself, members of his household, or his guests is more of a business than residential nature as might be indicated by advertising through newspapers, hand-bills, billboards, circulars, business cards, or otherwise.
5. In general in any place where the substantial use of the service is occupational rather than domestic.

B. Residence Rates Apply at the Following Locations:

1. In private residences or residential apartments of hotels and apartment houses when business listings are not provided and when all stations are in locations which are a part of a domestic establishment.
2. In the homes of nurses.

C. Change from Residence to Business Service

If it is found that a customer is using residence service for business purposes, the Utility will thereafter require the customer to take business service, except in cases where the customer thereafter uses the service for residence and domestic purposes only.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.20 RULE 20 - PRIORITY OF ESTABLISHMENT AND SUPERSEDURE OF SERVICE

A. Priority of Service Application

Applications for service will be completed in accordance with the chronological order of their receipt in so far as practicable and in accordance with economical administration except in the following cases in which deviation may be made in the following order in accordance with the facilities available.

1. Applications for service where serious sickness, public safety, public necessity, or war conditions are involved will be given priority over all other applications included under Sections 2.1.20.A.2., 3., and 4., following.
2. Applications where service has not been permanently discontinued and assigned to another customer, will be given priority over all other applications referred to under Sections 2.1.20.A. 3. and 4. following.
3. Application of a party who has been a customer of the Utility within a one month period immediately prior to the date of the application will be given priority over other applications referred to under Section 2.1.20.A. 4. following.
4. Application for business service will be given priority over applications for residence service which have been held for a period of less than two months.

B. Supersedure

An applicant who otherwise qualifies for the immediate establishment of service under Section A of this rule and regulation may supersede the service of a customer discontinuing that service when the applicant is to take service on the premises where that service is being rendered when a written notice to that effect from both the customer and applicant is presented to the Utility and where an arrangement acceptable to the Utility is made to pay outstanding charges against the service.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.21 RULE 21 - LEGAL REQUIREMENTS FOR REFUSAL OR
DISCONTINUANCE OF SERVICE

California Public Utilities Commission's Decision No. 91188 in Case No. 4930, requires that each communications utility, operating under the jurisdiction of the Commission, include the provisions of the rule set forth in Appendix "B" of that decision as a part of the rules in the Utility's tariff schedules. Accordingly, Appendix "B" of Decision No. 91188, Case No. 4930, is contained herein:

APPENDIX "B"

1. Any communications utility operating under the jurisdiction of this Commission shall refuse service to a new applicant, and shall disconnect existing service to a customer upon receipt from any authorized official of a law enforcement agency of a writing, signed by a magistrate, as defined by Penal Code Sections 807 and 808, finding that probable cause exists to believe that the use made or to be made of the service is prohibited by law, or that the service is being or is to be used as an instrumentality, directly or indirectly, to violate or to assist in the violation of the law. Included in the magistrate's writing shall be a finding that there is probable cause to believe not only that the subject telephone facilities have been or are to be used in the commission or facilitation of illegal acts, but that the character of such acts is such that, absent immediate and summary action in the premises, significant dangers to public health, safety, or welfare will result.
2. Any person aggrieved by any action taken or threatened to be taken pursuant to this Rule shall have the right to file a complaint with the Commission and may include therein a request for interim relief. The Commission shall schedule a public hearing on the complaint to be held within 20 calendar days of the filing of the complaint. The remedy provided by this Rule shall be exclusive. No other action at law or in equity shall accrue against any communications utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this Rule.
3. If communications facilities have been physically disconnected by law enforcement officials at the premises where located, without central office disconnection, and if there is not presented to the communications utility the written finding of a magistrate, as specified in Paragraph 1 of this Rule, then upon written request of the subscriber the communications utility shall promptly restore such service.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.21 RULE 21 - LEGAL REQUIREMENTS FOR REFUSAL OR
DISCONTINUANCE OF SERVICE - Continued

4. Any concerned law enforcement agency shall have the right to Commission notice of any hearing held by the Commission pursuant to Paragraph 2 of this Rule, and shall have the right to participate therein, including the right to present evidence and argument and to present and cross-examine witnesses. Such law enforcement agency shall be entitled to receive copies of all notices and orders issued in such proceeding and shall have both (1) the burden of proving that the use made or to be made of the service is prohibited by law, or that the service is being or is to be used as an instrumentality, directly or indirectly, to violate or to assist in the violation of the law and that the character of such acts is such that, absent immediate and summary action in the premises, significant dangers to public health, safety, or welfare will result, and (2) the burden of persuading the Commission that the service should be refused or should not be restored.
5. The Utility, immediately upon refusal or disconnection of service in accordance with Paragraph 1 of this Rule, shall notify the applicant or subscriber in writing that such refusal or disconnection has been made pursuant to a request by a law enforcement agency, naming the agency, and shall include with said notice a copy of this Rule together with a statement that the applicant or subscriber may request information and assistance from the Commission at its San Francisco office concerning any provision of this Rule.
6. At the expiration of fifteen days after refusal or disconnection of service pursuant to Paragraph 1 of this Rule, the Utility, upon written request of the applicant or subscriber, shall provide or restore such service unless the law enforcement agency concerned shall have notified the Utility in writing of its objection to such provision or restoration of service, in which event service may be provided or restored only in a complaint proceeding pursuant to Paragraph 2 of this Rule. At the time of giving any such notice of objection, the law enforcement agency shall mail or deliver a copy thereof to the applicant or subscriber. Nothing in this paragraph shall be construed to preclude the granting of interim relief in a proceeding initiated pursuant to Paragraph 2 of this Rule.

(Continued)

(To be inserted by Utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.21 RULE 21 - LEGAL REQUIREMENTS FOR REFUSAL OR
DISCONTINUANCE OF SERVICE - Continued

7. Each contract for communications service, by operation of law, shall be deemed to contain the provisions of this Rule. Such provisions shall be deemed to be a part of any application for communications service. Applicants for service shall be deemed to have consented to the provisions of this Rule as consideration for the furnishing of such service.
8. The term "person", as used herein, includes a customer to communications service, an applicant for such service, a corporation, a company, a co-partnership, an association, a political subdivision, a public officer, a governmental agency, and an individual.
9. The term "Communications Utility", as used herein, includes a "telephone corporation" and a "telegraph corporation", as defined in Division 1 of the California Public Utilities Code.

For the information of our customers, the address of the Commission's office is as follows:

California Public Utilities Commission
Consumer Affairs Branch
505 Van Ness Avenue
San Francisco, California 94102-3298
e-mail: consumer-affairs@cpuc.ca.gov

1-800-649-7570
1-800-229-6846 (TTY)

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has:
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road, or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road, or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things:
 1. That all existing and future electric and communication distribution facilities will be placed underground; and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES - Continued

Replacement of Aerial with Underground Facilities - Continued

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by 2.1.22.A. preceding, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area;* and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property; and
3. The area to be undergrounded includes both sides of a street for at least one block; and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES - Continued

Replacement of Aerial with Underground Facilities - Continued

C. At the Request of Individual Applicants

In circumstances other than those covered by 2.1.22.A. or B. preceding, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a non-refundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.*

D. At Utility Initiative

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES

A. General

1. Normal Provision of Facilities and Service

Facilities to provide exchange service to applicants/customers are furnished in accordance with the Utility's standards, up to and including its Local Loop Demarcation Point. It is contemplated that facilities are available or will be made available as part of a telephone plant designed and constructed to meet the service requirements usually encountered in the localities or areas served.

2. Special Provision of Facilities and Service

- a. Line extensions and service connections for new facilities to provide exchange telephone service to applicants/customers will be furnished up to and including the Utility's Local Loop Demarcation Point as set forth in 2.1.15, Rule 15, Demarcation Points. Where the new facilities are in suburban areas, charge for the line extensions and service connection facilities are set forth in Schedule Cal. P.U.C. No. A33, Line Extension and Service Connection Charges.
- b. Applicants/customers may, for reasons relating to the nature of their business or because of a requirement for continuity of service, desire service arrangements or facilities in the provision of their service which are beyond those normally provided by the Utility. When such an applicant/customer requirement exists, the Utility may furnish where operating conditions permit, up to and including its Local Loop Demarcation Point, such other arrangements as the applicant/ customer requests, at charges based on the costs of providing such additional service or facility arrangements, see 2.1.23.C. Charges following.*
- c. For copper land-line facilities, the owner of continuous multi-tenant property or their designated agent may request relocation of the Utility's Minimum Point of Entry (MPOE) and Local Loop Demarcation Point (LLDP), providing conditions as set forth in 2.1.15, Rule 15, Demarcation Points, Section B.7.c. are met. The Utility will relocate the MPOE/LLDP at charges based on the costs of providing such relocation. See 2.1.23.C. Charges following.*

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

B. Application of Special Provision of Facilities and Service

1. Facilities and services provided under special construction will be provided as set forth in 2.1.23.A.2.a., preceding, and the following:
 - a. At the request of the applicant/customer, the Utility constructs additional facilities of a type or in a location other than that which the Utility would otherwise utilize in order to provide service for the applicant/customer.
 - b. In order to comply with requirements specified by the applicant/customer, construction by the Utility involves a routing of facilities other than that which the Utility would normally utilize in order to provide services for the applicant/customer. See 2.1.23.B.2.b. following.
 - c. At the request of the applicant/customer, the Utility constructs a greater quantity of facilities than that which the Utility would otherwise construct in order to fulfill the applicant's/customer's initial requirements for services. See 2.1.23.B.2.c. following.
 - d. Except as provided in 2.1.13, Rule 13, Temporary Service, the facilities to provide services are not available and at the request of the applicant/customer, the Utility constructs temporary facilities to provide services for the period during which the permanent facilities are under construction.
 - e. The provision of any of the above listed special construction shall be entirely at the option of the Utility.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

B. Application of Special Provision of Facilities and Service - Continued

2. Alternate Routing or Standby Facilities for Exchange Service

Normally, facility arrangements between a serving central office and a customer's premises are furnished over the most economical route as determined by the Utility. Where an applicant/customer requests a serving arrangement furnished in a manner other than the most economical route as determined by the Utility, the arrangements requested are generally one of the following:

- a. Furnish facilities over the same physical route but in two or more different cables. Generally, the cables would be separated but share common poles, manholes, or duct runs.
- b. Facilities furnished over two or more separate routes. This would be alternate routing, i.e., facilities would be furnished in separate cables, separate routes and not share common pole line, ducts, or manholes in any part of the route. The facilities could be used to separate services between the central office and the Utility's Local Loop Demarcation Point on the customer's premises over the two or more routes, possibly providing a better opportunity for continuity of service of the communications services provided.
- c. Standby facilities are those furnished to provide redundancy for all or a portion of the services furnished between a central office and a customer's premises. Such redundancy could be provided over an alternate route or in the same route via a different cable. In addition, equipment that is under the operational control of the customer located at the customer's premises is the customer's responsibility. The Utility is responsible only up to and including its Local Loop Demarcation Point for the provision of such service.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

C. Charges for Special Provision of Facilities and Service

1. Charges based on costs are applicable to Special Provision of Facilities and Service. An advance payment of 100% of estimated cost will be required by the Utility to protect its investment. The amount of the advance payment will be credited to the customer's account upon completion of the construction and the billing for the service arrangement.*
2. Charges may be quoted based on the material used and labor required that the Utility may provide in connection with the outside plant and central office facilities to provide the arrangement requested.
3. Application of Charges
 - a. Additional cable may be required, which may not be reusable in place when the customer disconnects such service arrangement. This could include portions of cable facilities along existing rights-of-way or dedicated streets where such cable was furnished for the use of one customer. Charges applicable to the facilities furnished are reflective of the material furnished. In addition, labor is required to place and terminate the facilities placed. Additional labor may be required to rearrange existing facilities to accommodate the additional facilities placed. Service connections may also be affected and may require additions and rearrangements to which charges would apply.*
 - b. Furnishing facilities over the same route, but in two or more different cables:
 - (1) Where distribution facilities are installed with possibility of reuse, the charge for the additional cable will be based on the facilities furnished.

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

C. Charges for Special Provision of Facilities and Service - Continued

3. Application of Charges - Continued

b. Furnishing facilities over the same route, but in two or more different cables: - Continued

(2) If rearrangement of existing outside plant facilities may accommodate the applicant/customer's request without the addition of new plant, such costs will be the applicable charge to the applicant/customer for the furnishing of separate outside plant facilities.

(3) Facilities requiring the reinforcement of an existing route and which would not be constructed by the Utility except to provide the facility arrangement requested by the customer will be charged to the customer based on cost to provide the reinforcement.

(4) New exchange facilities will be furnished, up to and including the Utility's Local Loop Demarcation Point, over either the normal or alternate route. Service connection or non-recurring charges applicable to the service furnished will apply.

(5) Rearrangement of exchange facilities to utilize two routes will be furnished by the Utility, not to exceed the charges of furnishing of new services as set forth in the applicable tariffs.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

C. Charges for Special Provision of Facilities and Service - Continued

3. Application of Charges - Continued

c. Facilities furnished over two (2) or more separate routes

- (1) Where existing outside plant facilities are capable of providing the arrangements requested by the applicant/customer, but rearrangement is required, the applicant/customer will pay charges equal to the costs of furnishing such rearrangements of distribution or of service connection.
- (2) Where a line extension of an existing facility route is required to provide an alternate serving arrangement, the applicant/customer will pay charges based on the additional costs involved in furnishing the line extension on the alternate route which are in addition to the costs involved in furnishing service over the normal route.
- (3) New exchange facilities furnished from the central office to the customer's premises will be furnished, up to and including the Utility's Local Loop Demarcation Point, over either the normal or alternate route. Service connection or non-recurring charges applicable to the services furnished will apply.
- (4) Rearrangement of existing exchange facilities, over either the normal or the alternate route to accommodate the request of the applicant/customer as to the route requested for use, will be provided at costs not to exceed the service connection or non-recurring charges applicable to the service furnished.

(Continued)

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

C. Charges for Special Provision of Facilities and Service - Continued

3. Application of Charges - Continued

d. Facilities furnished on a standby or redundant basis:

- (1) Charges for furnishing facilities will be the same as that set forth in 2.1.23.3.c. (1), (2), (3), and (4) preceding.
- (2) In addition to the nonrecurring charges for establishing the standby route, the monthly rate for each pair furnished in the redundant route will be the monthly rate associated with the normal service.

D. Application Cancelled, Modified, or Deferred by Customer or Applicant

1. Cancellation of Application

- a. Prior to the start of installation as defined in 2.1.1, Rule 1, Definitions, there will be no charge.
- b. Where installation of equipment or facilities, other than those provided by special construction, has been started prior to the cancellation, the charges and regulation as set forth under 2.1.3, Rule 3, Application for Service, Paragraph C. apply.*
- c. Where Special Construction of Exchange Facilities has been started prior to the cancellation, a charge is applicable which is equal to the costs incurred in the special construction, less net salvage of facilities removed and/or credit for facilities for which there is another requirement. Where partially cancelled (one or more services or facilities, but not all), charges for such cancelled service or facilities shall apply. Charges are determined as set forth in 2.1.3, Rule 3, Application for Service, Paragraph C., and in 2.1.23.D.4. following.

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.23 RULE 23 - SPECIAL CONSTRUCTION OF EXCHANGE FACILITIES - Continued

D. Application Cancelled, Modified, or Deferred by Customer or Applicant -
Continued

2. Change or Modification of an Application

Charges and regulations as set forth in 2.1.3, Rule 3, Application for Service, Paragraph C. and 2.1.23.D.4. following are applicable.

3. Deferment of an Application

Charges and regulations as set forth in 2.1.3, Rule 3, Application for Service, Paragraph C. and 2.1.23.D.4. following are applicable.

4. Determination of Charges

- a. In determining the charge for 2.1.23. D.1., 2. and 3. preceding, each application of cancelled, modified or deferred service is treated as discontinued as of the date on which facilities were to have been placed in service.
- b. Such charges apply provided the applicant/customer received written notice (signed by the customer and Utility) at the time the order for such service was taken stating that charges would apply should the applicant/customer request the cancellation, modification, or deferment of the application for service.
- c. Installation of special construction of facilities is considered to have started as defined by "Start of Installation" in 2.1.1, Rule 1, Definitions.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.24 RULE 24 - LIMITATION OF LIABILITY

A. Liability of the Utility

1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct, or violations of law.
2. In the event an error or omission is caused by the gross negligence of the Utility, the liability of the Utility shall be limited to and in no event exceed the sum of \$2,000.
3. The Utility will not provide a credit allowance for interruptions of service caused by the customer's facilities, equipment, or systems.
4. Except as provided in Sections A.1., A.2., and A.3. of this Rule, the liability of the Utility for damages arising out of mistakes, omissions, interruptions, delays, errors, or defects in any of the services or facilities furnished by the Utility, up to and including its Local Loop Demarcation Point, including exchange, toll, private line, TWX, alphabetical directory listings (excluding the use of bold face type), and all other services, shall in no event exceed an amount equal to the pro rata charges to the customer for the period during which the services or facilities are affected by the mistake, omission, interruption, delay, error, or defect, provided, however, that where any mistake, omission, interruption, delay, error, or defect in any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall the liability exceed the total amount of the charges to the customer for all services or facilities for the period affected by the mistake, omission, interruption, delay, error, or defect.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.24 RULE 24 - LIMITATION OF LIABILITY - Continued

B. Credit Allowance for Interruptions of Service

The following allowances are provided for interruptions in service, as specified for particular services furnished by the Utility.

1. The Utility shall allow, for interruptions in service of 24 hours or more not due to conduct of the customer, an amount equal to the pro rata charges for each 24 hour period, or major fraction thereof after the initial period, of interruption in the following service:

a. Mobile telephone service

b. Private line services and channels, as follows:

(1) Private line telephone service

(2) Private line teletypewriter and Morse services

(3) Channels for data transmission

(4) Channels for remote metering, supervisory control, and miscellaneous signaling purposes

(5) Channels for telephotograph transmission

(6) Channels for one-way speech networks in connection with loudspeakers

(7) Channels for one-way program transmission networks in connection with loudspeakers

(8) Bells and lights system attack warning service

The allowance on items 2.1.24.B.1.b.(1) through B.1.b.(5), preceding, applies only to service within the same exchange area. The allowance on items 2.1.24.B.1.b.(6) and B.1.b.(7), preceding, applies only to station facilities.

c. Teletypewriter exchange service

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.24 RULE 24 - LIMITATION OF LIABILITY - Continued

B. Credit Allowance for Interruptions of Service - Continued

1. - Continued

d. Wide Area Telephone Service

Where credit is allowed against initial charges, the initial period shall be reduced in the same proportion, and additional hourly rates shall apply to each hour or major fraction thereof for Wide Area Telephone Service furnished in excess of the initial period as so reduced.

2. The Utility shall allow, for interruptions in exchange telephone service for 24 hours or more not due to conduct of the customer, an amount equal to the fixed monthly charges for exchange service multiplied by the ratio of the days of interruption to thirty days. When interruptions continue beyond 24 hours, credit allowance will be given in successive 24-hour multiples.

3. The Utility shall allow, for interruptions in TELPAK channels and services of two consecutive hours or more not due to conduct of the customer or failure of facilities provided by the customer, an amount determined as follows:

a. For items other than TELPAK base capacity, an amount equal to 1/720 of the fixed monthly charge for such item for each hour or major fraction thereof of interruption.

b. For TELPAK base capacity furnished for use as a single capacity, an amount computed as in 2.1.24.B.3.a. preceding.

c. For TELPAK base capacity furnished for use as various channels for lesser capacity, (a) if the interrupted channels are less than 50 percent of the equivalent telephone grade channels in the section, no amount allowed, or (b) if the interrupted channels are 50 percent or more of the equivalent telephone grade channels in the section, an amount computed as in 2.1.24.B.3.a. preceding.

For each classification of TELPAK base capacity, credit is computed separately for each two-point section affected.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.24 RULE 24 - LIMITATION OF LIABILITY - Continued

B. Credit Allowance for Interruptions of Service - Continued

4. The Utility shall allow, for interruptions of 30 minutes or more not due to conduct of the customer (including authorized users), an amount equal to the pro rata charges in half-hour multiples for each 30 minute period, or major fraction thereof after the initial period, of interruption in the following private line services and channels:
 - a. Private line telephone service
 - b. Private line teletypewriter and Morse services
 - c. Channels for data transmission
 - d. Channels for remote metering, supervisory control, and miscellaneous signaling purposes
 - e. Channels for one-way speech networks in connection with loudspeakers
 - f. Channels for one-way program transmission networks in connection with loudspeakers
 - g. Special assembly services and channels for miscellaneous experimental purposes

The allowance on item 2.1.24.B.4.a. preceding applies only to full period service. The allowance on items 2.1.24.B.4.a. through B.4.d. preceding applies only to service between separate exchange areas. The allowance on items 2.1.24.B.4.e and B.4.f. preceding applies only to interexchange and interdistrict channels.

5. The Utility shall allow, for interruptions of 30 seconds or more not due to conduct of the customer or failure of facilities provided by the customer, an amount equal to the pro rata charges in five minute multiples for each five minute period or major fraction thereof of interruption in the following private line services and channels:

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.24 RULE 24 - LIMITATION OF LIABILITY - Continued

B. Credit Allowance for Interruptions of Service - Continued

5. - Continued

a. Channels for program transmission in connection with loudspeakers, sound reproduction or sound recording

b. Channels for video transmission in connection with television viewers

6. The Utility shall allow, for interruptions of short period private line telephone service which aggregate one sixth or more of the daily contract service not due to conduct of the customer (including authorized users), an amount equal to the pro rata charges for the period of interruption (excluding lost time made up later in the same day at the customer's request).

7. The Utility shall allow, for interruptions of two consecutive hours or more not due to conduct of the customer (including failure of facilities provided by the customer), an amount equal to 1/720 of the fixed monthly charge for each hour or major fraction thereof of interruption in private line channels for television transmission for use in educational television systems.

For purposes of these regulations, an interruption is deemed to exist from the time it is reported to or detected by the Utility.

C. Credit Allowance for Errors or Omissions in Telephone Directories

Subject to the provisions of Section A.4. of this Rule, the Utility shall allow, for errors or omissions in alphabetical telephone directories (excluding the use of bold face type), an amount within the following limits:

1. For listings in alphabetical telephone directories furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the effective life of the directory in which the error or omission occurred.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.24 RULE 24 - LIMITATION OF LIABILITY - Continued

C. Credit Allowance for Errors or Omissions in Telephone Directories - Continued

2. For listings and lines of information in alphabetical telephone directories furnished at additional charge as set forth in Schedule Cal. P.U.C. No. A16, Directory Listings and Joint User Service, an amount not in excess of the charge for that listing or line of information during the effective life of the directory in which the error or omission occurred.
3. For listings in information records furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the period the error or omission continued.
4. For listings in information records furnished at additional charge, an amount not in excess of the charge for the listing during the period the error or omission continued.
5. For listings in telephone directories furnished in connection with mobile telephone service, an amount not in excess of the guarantee and fixed charges for the service during the effective life of the directory in which the error or omission occurred.
6. For listing in TWX directories, an amount not in excess of the separate charge, if any, for the listing.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.25 RULE 25 - EMERGENCY MEASURES TAKEN PURSUANT
TO A CONDITION OF EMERGENCY

A. Emergency Measures Taken Pursuant to a Condition of Emergency

Whenever there exists a condition of emergency, as now or hereafter defined in the California Emergency Services Act (Cal. Gov. Code §§ 8550 et seq.), the Utility shall take such emergency measures as shall be ordered or directed from time to time by the California Public Utilities Commission. In the absence of such order or direction by the Commission, the Utility may take any and all such emergency measures as it may within its discretion deem necessary in the public interest for the preservation of the service and the maintenance of service to all essential users. In the event that emergency measures are initiated by the Utility in the absence of an order or direction by the Commission, the Utility shall, wherever practicable, notify the Commission in advance of the action which it proposes to take. Any action thus proposed by the Utility shall be subject to review by the Commission. Should conditions make advance notification impracticable, the Utility shall notify the Commission of the emergency action which it has taken as soon as possible thereafter.

As it becomes possible to restore any service which has been discontinued pursuant to any of the emergency measures taken in accordance with this Rule, the priority of such restoration shall be determined in accordance with the Utility's 2.1.20, Rule 20, Priority of Establishment and Supersedure of Service.

Each and every service furnished by the Utility shall be subject to this Rule and the Utility shall in no event be liable for any damage resulting from measures taken pursuant to this rule except in the case of willful misconduct.

B. Telecommunication Service Priority (TSP)

The TSP system is a service, developed to meet the requirements of the Federal Government, which provides the regulatory, administrative, and operational framework for the priority installation and/or restoration of National Security Emergency Preparedness (NS/EP) telecommunications services. These include any exchange and/or Private Line services associated with NE/SP services. The TSP system applies only to NS/EP telecommunications services, and requires and authorizes priority action by the Utility providing such services.

The installation, use and restoration of service of TSP system service shall be subject to the regulations, rates and charges as set forth in Schedule Cal. P.U.C. No. B1, Access Service.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____