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Cellular Mobile Telephone Service**

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Conditions, Standards and Procedures for Regulating Cellular Mobile Telephone Service

Sec. 16-250b-1. Definitions

(a) 'Carrier,' for the purposes of sections 2 through 5, shall mean any carrier of cellular mobile telephone service who is licensed by the Federal Communications Commission to operate within the state.

(Effective January 29, 1986)

Sec. 16-250b-2. Conditions under which the department may forbear from regulating cellular mobile telephone service

(a) The Department shall continue to regulate carriers, by each New England County Metropolitan Area (NECMA) as defined by the Federal Communications Commission, for eighteen months after two carriers begin to offer service in the NECMA. At the end of this eighteen-month period, the Department shall conduct a public hearing to determine whether to forbear from regulating the rates for cellular mobile telephone service in the NECMA and shall issue a decision thereon. The Department may forbear from regulating the rates for cellular mobile telephone service in any NECMA when either of the following conditions in subdivisions (1) or (2) prevails at the same time that the conditions in subdivisions (3) and (4) prevail:

(1) two or more carriers are licensed or permitted to provide service, and are offering service, in the NECMA, or

(2) service reasonably comparable in technology, price, and quality of service to cellular mobile telephone service is available generally in the NECMA;

(3) no abusive practices are being undertaken by carriers, including, but not limited to, predatory pricing and discriminatory pricing to subscribers, and

(4) the standards in section 3 have been met, and the Department is reasonably assured that those standards will continue to be met by carriers and their service if the Department forbears from regulating rates in the NECMA.

(b) If the Department decides, after the eighteen-month period established in subsection (a) of this section, not to forbear from regulating the rates for cellular mobile telephone service in any NECMA, the Department may thereafter determine whether to forbear from regulating those rates based on the conditions in subsection (a) of this section.

(c) If the Department forbears from regulating the rates for cellular mobile telephone service in any NECMA and any of the conditions in subsection (a) of this section on which the Department based a decision to forbear from regulating ceases to prevail, the Department shall investigate the condition or change therein, hold a hearing, and issue a decision on whether the public interest shall be served if the Department regulates cellular mobile telephone service in that NECMA.

(d) The Department shall continue to regulate the services, conduct of operations, accounting practices, and public safety in accordance with section 4 of these regulations, even in the event that the Department forbears from regulating the rates of cellular mobile telephone service.

(Effective January 29, 1986)

Sec. 16-250b-3. Standards for regulating cellular mobile telephone service

The Department shall regulate, on an equal basis with regard to all carriers, the rates and charges, services, accounting practices, safety and conduct of operations of such carriers in accordance with the following standards:

(a) that the public convenience, necessity and welfare are protected;

- (b) that the service is provided adequately, efficiently, and safely;
 - (c) that rates and charges reasonably reflect prudent costs and market conditions;
 - (d) that the technology is allowed to develop to benefit the public interest;
 - (e) that no abusive practices are undertaken by any carrier, including but not limited to, predatory pricing and discriminatory pricing to subscribers;
 - (f) that sufficient capacity for cellular mobile telephone service is provided, and
 - (g) that cellular mobile telephone service is provided without unreasonable discrimination and that competitive service is made available generally.
- (Effective January 29, 1986)

Sec. 16-250b-4. Procedures for regulating rates and charges

In regulating carriers, the Department shall follow the procedures below.

(a) (1) **Regulation of Rates.** For any initial application and for any subsequent tariff filing which proposes to alter existing rates and charges, the Department shall require each carrier to submit an application or filing according to the procedures established in sections 16-1-45 et seq. of these regulations and the provisions in subdivisions (2), (3) and (4) of this subsection, in accordance with 16-1-1 et seq. of these regulations.

(2) **Components Required.** The Department shall require that all initial applications and all filings submitted for cellular mobile telephone service which propose to alter existing rates or charges shall include the following components, where applicable, instead of the components described in sections 16-1-54 and 16-1-55 of these regulations:

(A) **Supporting Data.** The Department shall require that all initial applications and all tariff filings which propose to alter existing rates and charges shall be submitted to the Department with sworn testimony on matters of public benefit from the affected service and cost justification for the proposed rate. The Department may require such additional data as it deems necessary.

(B) **Effective Date.** The Department shall require that all initial applications and all tariff filings which propose to alter existing rates and charges shall include a proposed effective date which shall be no earlier than seven (7) days after the filing date. Such proposed effective date shall be suspended, in any event, until after the Department issues a decision on the application or filing.

(3) **Notice.** The Department, by publication and written notice to any person who requests in writing to receive notice, shall include the following in its notice: the carrier's name, the application's or filing's proposed effective date, a description of the subject matter in the application or filing, and a statement that the application or filing, supporting testimony and cost study are on file at the Department's offices for examination and comment by interested persons.

(4) **Hearing.** The Department shall order a public hearing on the application or filing. A public hearing shall be convened on or before thirty (30) days after the proposed effective date in the application or filing. The Department shall issue its decision and orders on or before thirty (30) days after the hearing, unless the applicant waives such a deadline.

(b) For any tariff filing which proposes any new service or language change without altering existing rates and charges, the Department shall follow and shall require any carrier to follow the procedure established in section 16-1-59A of these regulations. The Department shall require any carrier to file any proposed tariff filing following the procedures in section 16-1-45 et seq. of these regulations, in accordance with section 16-1-1 et seq. of these regulations.

(Effective January 29, 1986)

Sec. 16-250b-5. Procedures for regulating services, operations, accounting and public safety

(a) The Department shall require each carrier to keep complete records, concerning a carrier's rates and charges, services, and the conduct of operations, including, but not limited to, the following: (1) rates and charges for each service offered; (2) services and options offered; (3) types, numbers, and resolutions of complaints received; (4) policies, and the implementation of policies on, the installation and termination of service, repairs, and late payment charges; (5) all outages; (6) billing services; (7) a detailed statement of the number of subscribers and cellular numbers per subscriber, and (8) a record of any accidents and dangerous conditions which have occurred in the course of the carrier's operations or affecting its plant or employees.

(b) (1) Each carrier shall file a report with the information identified in subsection (a) of this section with the Department semi-annually, commencing six months from the effective date of these regulations. Each carrier shall provide such additional information as the Department shall reasonably request in protecting the public interest in accordance with the standards established in section 3. (2) The Department may hold a hearing and issue a decision on any report or information requested or submitted under this subsection to ensure that the standards of section 3 are met and that the public interest is reasonably protected.

(c) (1) The Department shall require each carrier in a NECMA to file quarterly financial reports with the Department for eighteen months after two carriers begin offering service in their NECMA. Such reports shall reflect, by Cellular Geographic Service Area (CGSA) within the NECMA, the results for the most current quarter and the twelve months ending with the current quarter. Such reports shall include, but not be limited to, a balance sheet and income statement with the twelve (12) months' cumulative figures ending on a quarterly basis. The Department may determine to extend the requirement for quarterly reports. (2) The Department shall require that each carrier shall submit annually an audited financial report. The Department may reasonably require that such other periodic reports be filed as it deems necessary. The Department may consider each carrier's financial condition by reviewing figures, including but not limited to, the following: operating ratio, ratio of gross income to capitalization and retained earnings, ratio of maintenance and depreciation to operating revenue, depreciation provision as per cent of plant, and such other relevant operating data seemed necessary. (3) The Department may conduct a hearing on any periodic report or accounting or financial information requested or submitted. (4) All financial reports shall be filed in compliance with the Uniform System of Accounts, as set forth in the Uniform System of Accounts For Cellular Communications Licensees or, with the Department's prior approval, in compliance with generally accepted accounting principles (GAAP). In accordance with the provisions of subsection 4-173 (c) of the General Statutes of Connecticut, the text of the Uniform System of Accounts For Cellular Communications Licensees will not be published herein. A copy of this regulation is available, upon request by any interested person, at the office of the Executive Secretary, Department of Public Utility Control, One Central Park Plaza, New Britain, Connecticut 06051.

(d) Carriers shall make every effort properly to warn and protect the public from danger and shall exercise all possible care to reduce any hazard to which employees, customers, and members of the public may be subjected by its equipment and facilities. Carriers shall report any dangerous condition to the Department as soon as reasonably possible after the carriers discover such a condition.

(e) Carriers shall report any dangerous condition or accident which has occurred in the course of their operations or affecting their plant or their employees to the Department as soon as reasonably possible after discovery of the dangerous condition.

(f) Carriers shall make available to the Department all records, data, reports, and statements of employees concerning accidents. Carriers shall assist the Department in promptly investigating the causes of and the circumstances connected with each accident which is the subject of the Department's investigation.

(Effective January 29, 1986)