

ORIGINAL

SOUTHWESTERN TELEPHONE COMPANY
Arizona

Section 9
Second Revised Sheet No. 1
Cancels First Revised Sheet No. 1

CONSTRUCTION CHARGES

APPROVED

INDEX

CONSTRUCTION CHARGES

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Issue Date: April 12, 2013

Effective Date: May 12, 2013

By: Joel Dohmeier, Vice-President

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CONSTRUCTION CHARGES

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I. General

- A. Construction charges are non-recurring charges that are assessed when there is a request for telecommunications service and telecommunication facilities have not been installed yet.
- B. Reasonable rates and charges for the provision of basic local exchange service involve consideration of the costs and degree of risk associated with the provision of the services. Some situations may involve substantial extra cost or risk to the Company, such as, but not limited to: 1) the facilities may be temporary; 2) facilities are ordered in advance of actual Applicant demand for service; 3) unusual costs are involved in furnishing the service; 4) the cost of providing service may involve considerable investment to extend facilities beyond existing facilities.
- C. Payment of Construction Charges is in addition to regular rates and charges applicable for telephone services provided.

II. Definitions

- A. Advance in Aid of Construction: Funds provided to the utility by the applicant under the terms of a construction agreement, which may be refundable.
- B. Applicant: A person or agency requesting the utility to supply telephone service.
- C. Application: A request to the utility for telephone service, as distinguished from an inquiry as to the availability or charges for such service.
- D. Contribution in Aid of Construction: Funds provided to the utility by the applicant under the terms of a construction agreement or construction tariff which are not refundable.
- E. Company: Southwestern Telephone Company
- F. Cost: Costs associated with the construction of new facilities include, but are not limited to, labor, materials, equipment, engineering, government fees and charges, right-of-ways, road crossings, road boring, trenching, etc.

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II. Definitions: (continued)

- G. Developer: An Applicant who is responsible for requesting placement and subsequent payment of telecommunications services in a new area for permanent residential and/or business telecommunications services prior to, or in conjunction with, a request for telephone service by a subscriber located in that new area.
- H. Group Application/Group Project
A group application is for the provision to telephone service to several premises that are located in close proximity (generally less than one-half file separation) of each other that all wish to establish telephone service at the same time. A group project generally has fewer than five (5) premises, each owned by different individuals.
- I. Line Extension: The lines and equipment necessary to provide service to additional subscribers.
- J. New Construction
The placement of those additional facilities required to extend telephone service to a Applicant from the nearest existing working facility within the wire center to the premises of this previously un-served telephone Applicant.
- K. Permanent Service
Service provided at a premises for twelve (12) or more constructive months. Service will not be considered permanent when provided to a temporary structure (e.g., structures that do not have a permanent foundation and permanent connections to basic utilities such as water, gas and electricity) at a premises.
- L. Residential Subdivision Development: Any tract of land which has been divided into four or more contiguous lots with an average size of one acre or less for use for the construction of residential buildings or permanent mobile homes for either single or multiple occupancy.
- M. Temporary service: Service to premises or enterprises which are temporary in character, or where it is known in advance that the service will be of limited duration. Service which, in the opinion of the utility, is for operations of a speculative character is also considered temporary service.

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III Extension of Telephone Facilities

A. General

1. The provisions of this section apply only to those applicants who in the Company's judgment will be permanent subscribers of the Company. Provisions for Temporary Service and Seasonal Service are listed in Section VI.B of this tariff.
2. Construction costs are based on actual route construction conditions for providing service and will generally enable the Company to extend service to new Applicants at a reasonable cost without adding an undue burden to the general body of subscribers. Construction costs, in excess of any allowances provided in Section G. following, will be billed to Applicants as a Construction Charge.
3. The locations for construction of line or facility extensions are determined by the Company and the distances (including drop wire) are measured along the Company selected route.
4. Applicants requesting service at premises that have been previously served by telephone facilities, that were left in place and continue to be functional, will not be assessed a Construction Charge to establish service unless Special Construction Charges apply pursuant to Section VI.A of this Tariff.
5. Construction Charges will be associated with the premises for which they were established rather than the Applicant. Credit for Construction Charges may not be transferred from one premises to another.
6. Where new construction is required, the Company will consult with other utilities to minimize construction costs (e.g., sharing trenches, poles, etc.).
7. The Company will use standard Company specifications, engineer, design, secure all materials, and provide the labor to extend telecommunications facilities from existing Company facilities to the Applicants premises or new area being developed and will place telecommunications facilities within the development unless other arrangements have been agreed upon per this tariff.
8. The method of construction and the type of materials required to provide the quantity and grade of telephone service requested by the Applicant will be determined by the Company. The Applicant may be required to pay the added costs involved when a different type of construction or quantity of facilities, other than what the Company proposed, is desired.

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III Extension of Telephone Facilities (Continued)

A. General

9. Reinforcement of existing physical plant will be provided at the Company's expense unless facilities are provided by the Applicant pursuant to Section V. of this Tariff.
10. The Company shall construct or cause to be constructed and shall own, operate and maintain all underground communication feeder, distribution and service lines along public streets, roads and highways and on public lands and private property which the utility has the legal right to occupy.

B. Specific to Single Applicants

1. When construction is required to serve a new single Applicant, the Company will try to survey other prospective subscribers who might be served from the new construction or an extension thereof and who might benefit by being included in the project. A Construction Allowance is applicable only for those prospective Applicants making a written application for service.
2. Single Applicants may be grouped into one project when there is not more than one-half mile of construction between Applicants. Separate projects are established whenever the construction between any two Applicants exceeds one-half mile. Two or more projects may be combined whenever this results in lower charges (or no increase in construction charges) for all Applicants involved.
3. The Company will provide the Applicant at any premises with a single Construction Allowance regardless of the number of services ordered at the premises.
4. Single Applicants ordering service at more than one premises are treated as separate Applicants at each premises for purposes of this Tariff.
5. If an Applicant disconnects service, no refund or adjustment is made to the Construction Charge applicable to the Applicant's premises regardless of any future reconnection of basic telephone service by the Applicant or upon connection of telephone service to a new applicant at this premises. Upon disconnect, any outstanding construction charge amounts become due and payable immediately.

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III Extension of Telephone Facilities (Continued)

C. Specific to Group Applicants

1. Group Applicants ordering service at more than one premises are treated as separate Applicants at each premises for purposes of this Tariff.
2. Where the Group Applicants are reasonably close to each other or where the variance in cost between Applicants in the group is expected to be small (such as, applicant premises are within one-half mile of each other or the difference in cost between Applicants is less than 10%), an overall cumulative Construction Allowance is computed by taking the Construction Allowance listed in Section G., following, times the number of Applicants. The cumulative allowance is subtracted from the overall project cost. The total remaining cost in excess of the cumulative allowance is divided equally among all Applicants in the group and assessed a Construction Charge to each Applicant.

Exception: No Applicant is required to pay a greater charge than would have resulted if a construction project were established for the Applicant alone.

3. Where the Group Applicants are not reasonably close to each other or where there may be a significant variance in cost between various Applicants in the group, the Company shall compute the cost for each individual Applicant except that shared facility costs will be apportioned to the Applicants utilizing the shared facility. (For example, four Applicants will share the use of a section of buried cable. Each of the four Applicants will be apportioned 1/4 of the cost of this section of buried cable). Dedicated facility (e.g., unshared) costs, including the individual Applicant drop, will be assigned to each of the individual Applicants). Individual Applicant Construction Charges are developed for each Applicant in the group, which will include the sum of the dedicated facilities, and the shared facility costs, less the Construction Allowance listed in Section G. following.

Exception: No Applicant is required to pay a greater charge than would have resulted if a construction project were established for that Applicant alone.

4. Construction charges will not be refunded to any Applicant(s) that disconnects service. Charges to remaining Applicants will not be affected by disconnects.

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III Extension of Telephone Facilities (Continued)

D. Specific to Subsequent Applicants

1. When a new Applicant can be served from a completed project, within three years from the date service was initially established for such project, the charges for the entire project are recomputed to include the new Applicant as long as the recomputed charges do not increase the charges to those Applicants served from the existing project. Otherwise, a new project will be established.
2. When a new Applicant requests service that can be provided by an extension of facilities from a previously completed construction project pursuant to Section B. preceding of this Tariff, and the new Applicant has requested service within three years from the date service was initially established for such project, the construction cost of the entire project, including the cost of serving the new Applicant is computed. The revised construction costs shall include an additional Construction Allowance listed in Section G. following, for the new Applicant. If the original Construction Charge payment collected from the initial Applicant was greater than the recomputed amount based on the inclusion of the additional Applicant to the project, the initial Applicant shall be refunded the difference between the original Construction Charge and the revised Construction Charge.
3. When a new Applicant requests service that can be provided by an extension of facilities from a previously completed group project pursuant to Section C. preceding of this Tariff, and the new Applicant has requested service within three years from the date service was initially established for such group project, the Company will compute the costs of the group project as described in Section C. preceding of this Tariff, including the costs of facility extensions for the new Applicant and a Construction Allowance listed in Section G. following, for the new Applicant. If the recomputed construction costs results in lesser charges to the original group project Applicants, the original Applicants shall be refunded the difference between the revised costs and the original Construction Charges. The new Applicant shall be assessed their prorated share of the group project costs.
4. Computation of construction charges, for the addition of a new Applicant or Applicants to a completed project, is made with the assumption that there have been no disconnects of service by the original Applicants to the project.
5. When one or more Applicants served by a construction project disconnect within the three-year term, no refund is made of the recomputed Construction Charge to the disconnected Applicants. Charges to remaining Applicants are not affected by disconnects.

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III Extension of Telephone Facilities (Continued)

D. Specific to Subsequent Applicants (Continued)

6. When a Applicant disconnects service or moves from a premises where service was established by a construction project and service is subsequently established for a new Applicant at this same premises, any future adjustments in Construction Charges resulting in a refund is a matter for negotiation between the original Applicant and the new Applicant at this premises.

E. Specific to Land Developments

1. A Land Development Agreement (LDA) is required when an Applicant requests telephone facilities to be installed within an undeveloped area for the purpose of providing telecommunication services to multiple homes or buildings, which may be occupied upon the completion of the newly installed telecommunications facilities or within a 5 year period. The LDA will include, but is not limited to:
 - a. Description of the subdivision or development;
 - b. Disposition of Covenant requirements that affect utility placement and maintenance. If further subdivision of the area is to be allowed, methods and responsibilities for providing additional service shall be listed;
 - c. Utility easements on all sides of every parcel shall be platted and recorded.
 - d. An addressed, recorded plat in electronic, digitized or written format shall be provided to the Company;
 - e. Rights responsibilities and liabilities associated with trench and backfill work upon initial construction and subsequent maintenance; and,
 - f. Provisions for notification between the Company and Developer/Builder (such as, notification 90 days prior to the backbone trench date, 21 days' notice of the completion date of a premises).
2. Distribution facilities covered by a LDA cannot be used for subsequent developments until they are covered by a new LDA.
3. Extension of communication lines necessary to furnish permanent communication service to new residential buildings or mobile homes within a new or undeveloped subdivision and to residential development in which facilities for communication service have not been constructed for which applications are made by a developer shall be installed underground in accordance with the provisions set forth in this regulation and in accordance with applicable tariffs on file with this Commission except where it is not feasible from an engineering, operational or economic standpoint

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III Extension of Telephone Facilities (Continued)

E. Specific to Land Developments (continued)

4. Extension of communication lines necessary to furnish permanent communication service to new residential buildings or mobile homes within a new or undeveloped subdivision and to residential development in which facilities for communication service have not been constructed for which applications are made by a developer shall be installed underground in accordance with the provisions set forth in this regulation and in accordance with applicable tariffs on file with this Commission except where it is not feasible from an engineering, operational or economic standpoint
5. Rights-of-way and easements suitable to the utility must be furnished by the developer at no cost to the Company and in reasonable time to meet service requirements. No underground communication facilities shall be installed by a Company until the final grades have been established and furnished to the Company. In addition, the easement strips, alleys and streets must be graded to within six inches of final grade by the developer before the Company will commence construction. Such clearance and grading must be maintained by the developer during construction by the Company.
6. If, subsequent to construction, the clearance or grade is changed in such a way as to require relocation of the underground facilities, the cost of such relocation shall be borne by the developer or subsequent owners.
7. The developer shall provide the trenching backfill (including any imported backfill required), compaction, repaving, and any earthwork required to install the underground communication system all in accordance with the reasonable specifications and schedules of other utilities in the same area when feasible. At its option, if the Company's cost is equal to or less than that which the developer would otherwise have to bear, the Company may elect at the developer's expense to perform the activities necessary to fulfill the developer's responsibility hereunder.
8. The Company shall promptly inspect the trenching provided by the developer and allow for phased inspection of trenching. In all cases, the Company shall make every effort to expedite the inspection of developer provided trenching.
9. When developer is required to provide a trench for other underground utilities and services, the Company shall use such common trench as long as the utility's design layout, easement specification, routing and scheduling requirements can be met, unless otherwise agreed upon by Company and developer in writing or as otherwise established by the Commission.

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III Extension of Telephone Facilities (Continued)

E. Specific to Land Developments (Continued)

4. Regardless of who provides the facilities, the Developer holding title to the property will grant and convey to the Company all necessary non-exclusive easements (form to be provided by the Company). The easements will provide for the Company to construct, reconstruct, augment, operate, maintain and remove such telecommunications facilities, and appurtenances, from time to time, as the Company may require upon, over, under and across the property.

The width and length of the easement will be determined at the time of the request for facilities. In general, all easements will be a standard width of eight feet along the front and rear lot lines and five feet wide along all side lot lines, unless otherwise agreed upon. The Developer will pay the additional costs associated with acquiring easements.

F. Specific to Cluster and Mobile Homes.

1. A Cluster/Mobile Home Developer will be required to sign a LDA pursuant to Section E. preceding of this Tariff.
2. The provision of buried or underground telecommunications facilities to serve cluster or mobile home complexes (single or multi-dwelling units which share in the ownership or use of common property) shall be dependent on a legally sufficient easement being made available to the Company to accommodate the placing and maintaining of the common communications serving facilities (i.e., feeder and distribution cable, plus terminal pedestal or like device and access point cabinets). The surface of the easement area must be brought to final grade prior to the installation of buried or underground telecommunications facilities.
3. For the protection of Company property, the mobile home developer is required to provide a trailer stake (a T shaped stake) at the back side, between every two mobile home parking lots for the purpose of attaching the network interface device (NID) or protector, on the outside of the mobile home unless the Company approves some other arrangement. In no case will the Company provide service when the protector/NID is attached to the mobile home.

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III Extension of Telephone Facilities (Continued)

F. Specifics to Cluster and Mobile Homes.(continued)

4. The Company will not provide a Construction Allowance pursuant to Section G., following, to owners of mobile homes unless such mobile homes are located on a permanent pad or foundation. When the mobile home is not mounted on a permanent pad or foundation, such service is considered temporary.

G. Construction Allowance

1. Each Applicant with an active service order request would be provided with a one-time construction allowance up to 750 feet or construction allowance not to exceed \$2,300.00.
2. Construction over 750 feet or any additional cost that would be encountered due to right-of-way charges, permit fees, road crossing bores, any nonstandard circumstances predetermined by the Company that would exceed construction cost in excess of \$2,300.00 would be charged to the applicant requesting service.

IV Application, Aid to Construction, Payments, and Refunds

- A. Upon request by an applicant for service, the Company will provide, without charge, a preliminary sketch and rough estimate of the construction costs to be paid by the applicant.
- B. Any applicant for service requesting the Company to prepare detailed plans, specifications, or cost estimates may be required to provide a deposit to the Company for an amount equal to the estimated cost of preparation. Within 90 days of receiving the deposit, the plans, specifications, or cost estimates of the proposed construction. The estimate will be valid for 90 days after presentation to the applicant(s) unless the Company extends the date. If the applicant authorizes the Company to proceed with the construction of new facilities, the deposit will be credited to the cost; otherwise the deposit shall be nonrefundable. If the new facilities include oversizing, it shall be done at the Company's expense.

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IV Application, Aid to Construction, Payments, and Refunds (continued)

C. Each construction agreement shall be signed by each party and , at a minimum, include the following information:

1. Name and address of applicant or applicants;
2. Proposed service address or location;
3. Description of requested service;
4. Description and sketch of the requested construction
5. A cost estimate to include materials, labor, and other costs as necessary;
6. Payment terms;
7. A concise explanation of any refunding provisions, if applicable;
8. Utility's estimated start date and completion date for construction;
9. A summary of the results of the economic feasibility analysis performed by the utility to determine the amount of advance required from the applicant for the proposed construction.

D. Each applicant shall be provided with a copy of the signed construction agreement.

E. The Applicant(s) is responsible for paying the full amount of the Applicant's share of the estimated construction charges that are in excess of the Construction Allowance set forth in Section G preceding prior to the Company commencing construction unless other payment arrangement are made.

F. With the approval of the Company and at the option of the Company, arrangements may be made for the payment of the Construction Charge (either for a single Applicant or a group of Applicants) in monthly installments over a reasonable period, generally, not to exceed one year. Failure of an Applicant(s) to make monthly installments of Construction Charge may result in suspension or termination of telephone service. All unpaid installments become due upon termination of service.

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IV Application, Aid to Construction, Payments, and Refunds (continued)

- G. Receipt of the Applicant(s) payment(s) by the Company for the Applicant's required construction charges will be considered an application for service and the date to move forward with the construction of the new facilities.
- H. If the Applicant's share of the actual cost to provide new service exceeds the Applicant's estimated costs to provide new service, the Applicant shall be responsible for additional Construction Charge in an amount not to exceed 10% of the Applicant's estimated Construction Charge. If the Applicant's share of the actual Construction Charge is less than the estimated Construction Charge, the Company will refund, or credit, at the Applicant's option, the excess amount to the Applicant within 120 days of service.
- I. Once the Company has accepted the facilities provided by the Developer or completed the construction of Company provided facilities within a land development area, the Company will reimburse the Developer the lesser of the average cost per single party loop per premises for the land development project or the Construction Allowance per Section G. preceding, for each subscriber that establishes permanent service at a premises during a period of five (5) years from the date of the agreement. Only one reimbursement per premises will be made by the Company to the Developer for a premises regardless of the number of facilities ordered by the subscriber or by subsequent subscribers occupying the premises. In the event the development contains lots or premises after five (5) years from the agreement date for which facilities were provisioned and for which no service was ordered by a subscriber, no reimbursement will be made by the Company to the Developer.
- J. Any refunds of Aid to Construction will be non-interest bearing. In no case will any refund exceed the original amount of Aid to Construction.
- K. The Applicant may request an annual survey to determine if additional subscribers have been connected to and are using service from the project.

V Applicant Provided Facilities and Construction

- A. With the approval of the Company, an Applicant(s) may be allowed to provide some or all of the construction and/or materials in lieu of a paying some or all of the Construction Charge.
- B. The Company and the Applicant will enter into a written agreement for the provision of the requested facilities. The agreement will delineate the Company's responsibilities, the Applicant(s) responsibilities, the associated construction costs, allowances and Construction Charges. For Developers, this information can be included in the Land Development Agreement.

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V Applicant Provided Facilities and Construction (continued)

C. In order to protect the Company's network and other end users, the Company will not connect to Applicant(s) or Developer's installed facilities unless the Applicant(s) or Developer has complied with the following:

1. Applicant must inform the Company at least seven working days prior to the construction of facilities by the Applicant so that the Company can schedule its representative to inspect the plans, material and construction;
2. The Applicant shall construct its facilities only during normal Company business hours unless another arrangement has been agreed to by the Applicant and the Company;
3. The materials and methods used for the construction shall be of the same quality and quantity utilized by the Company unless the Company has provided written authorization to the Applicant, approving other materials and/or construction;
4. Inspections performed by the Company's Engineering Services and Inspection Services will be paid for by the Applicant prior to the connection of Applicant's facilities to those provided by the Company. Company inspection personnel must be on site when cable is being plowed or if cable is placed in a trench, the trench must be left open until Company inspectors have inspected and approved the installation.

D. Single or Group Applicants may furnish material, labor, and structures (e.g., trench and backfill, conduit, poles) as partial or full payment of Construction Charges in lieu of cash. The applicant(s) must meet the following specific criteria for any work done in public rights-of-way prior to receiving Company approval:

1. Signed liability agreement holding the Company harmless for any action taken as a result of said construction activities;
2. Company specified insurance requirements;
3. Bonded to cover workmanship and damage;
4. Public and Personal Safety Standards; and,
5. Approval of appropriate governing bodies.

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V Applicant Provided Facilities and Construction (continued)

E. The Developer may engineer, design, furnish and install facilities as partial or full payment of Construction Charges in lieu of providing cash. The Developer must meet the following specific criteria:

1. Use standard Company specifications in engineering and designing the placement of facilities;
2. Secure all material;
3. Provide labor to place the facilities within the development and extend facilities from the closest existing telecommunications facilities of the Company to the development;
4. Submit job prints, material list, and reimbursable cost amount to the Company for approval prior to the construction of the facilities. The Developer's plans must include trench and backfill plans and specifications, trench and backfill schedules, and coordination of inspection schedules. All permits, rights-of-way and easements shall have been secured and recorded as necessary;
5. The Developer shall allow the Company to inspect the placement of the facilities and perform conformance testing;
6. Once work is complete and the Company has inspected and conformance tested the facilities, the Developer will transfer ownership of all telephone facilities placed, along with their attendant easements, to the Company. Prior to the transfer, all costs for the facilities and work shall have been paid in full. The transfer will be free and clear of any and all liens and encumbrances and shall be accompanied by an indemnification holding the Company harmless from all claims arising from the purchase and placement of the telephone facilities.
7. All review and inspection work provided by the Company will be charged to the Developer at the Company's rates for such work.

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VI Other Construction or Conditions

A. Special Types of Construction or Unusual Conditions

1. Where a special type of construction is desired by an Applicant or a specific route for extensions is requested to meet an Applicant's special requirements and where the construction or route so requested differs from the normal standards of the Company and is not legally required by ordinance, covenant, tract restriction or otherwise, the Applicant or Applicants served by such facilities or the tract Developer for land developments, shall be required to pay these additional costs in their entirety and in addition to any line extension charges required under this tariff.
2. Where existing aerial facilities are requested to be relocated underground in an area where the Company would not, except for such request, relocate its facilities underground, the Company may charge the cost of such relocation to the persons requesting relocation of such facilities.
3. Special Constructions Charges will be applicable where, at the request of the Applicant, the Company constructs a greater quantity of facilities than the Company would otherwise construct or normally utilize.
4. Where construction of facilities is required to meet unusual conditions such as to provide service in hazardous and/or inaccessible locations, Construction Charges will be assessed.

B. Temporary Construction or Seasonal Service

1. Where construction is necessary to provide temporary service, such as to an Applicant's temporary premises within an exchange, the Applicant will be required to pay a Construction Charge equal to the estimated cost of installing and removing the temporary facilities, less estimated salvage at the time of removal. In the event the facilities are reusable for providing permanent service without rearrangement or modification, at the time the temporary service is disconnected, a portion of the Construction Charge assessed may be refunded, depending upon the circumstances in each case. Removal of facilities will be at the option of the Company, if installation of the temporary facilities was made to permanent standards and permanent easements were granted.
2. In no event shall service be classified as temporary or seasonal where full service has been provided continuously for twelve (12) or more consecutive months at a premises.
3. Where construction is required to provide service on a seasonal basis, or meet other unusual demands, additional construction charges may be assessed on a case-by-case basis.

ADMINISTRATIVELY
APPROVED FOR FILING

Issue Date: April 12, 2013

Effective Date: May 12, 2013

By: Joel Dohmeier, Vice-President

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