

Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE



A. Nonpayment of Regular and Electronic Bills

1. All Classes, Types, and Grades of Exchange and Toll Service

- a. Service to a particular location, separately served and billed, may be temporarily or permanently discontinued for the nonpayment of a bill for all services furnished (see A.1.(a), below), provided the bill therefore as not been paid within the period specified below and the Company informs the customer with no less than a written 7-day notice:
 - Thirty calendar days after presentation when bills are rendered yearly, (N)
 - Three calendar days after presentation of special bills, (N)
 - Twenty two calendar days after presentation of all other bills. (C)
- b. If basic service is disconnected, the customer must pay the delinquent amount and a charge to reconnect the service. The customer may also be required to pay a deposit. Toll service and optional services will be restored once the delinquent balance, applicable Multi-Element Service Charges, and deposit (if required) are paid. (T)
- c. Unless the customer directs otherwise, payments will be applied first to the basic local service charges and mandated surcharges and taxes. Amounts in excess of local service charges will be applied to long distance and other charges at the Utilities discretion. (T)
- d. Deregulated services also called nonregulated services are services not filed in the Utility's Tariff or regulated by the California Public Utilities Commission such as directory advertising, internet charges, inside wire installation, and telephone equipment rentals.
- e. Basic service will not be disconnected for non payment of optional services, local toll, deregulated services, and interexchange services including intrastate intraLATA, intrastate, interstate and Interstate International toll. Toll calls may be restricted if not paid, and optional services may be discontinued. (T)
- f. Basic exchange service may not be disconnected on any day Utility service representatives are not available to assist Customers. (N)
- g. Utility may not disconnect basic residential or single line business service, either flat rate or measured rate, for nonpayment of any charge other than non-recurring or recurring charges for that same service, including government mandated fees and taxes calculated on that service that are remitted to government. (N)

(To be inserted by utility)
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Decision No.: 04-05-057

Issued by
Paul E. Pederson
NAME
Vice President
TITLE

(To be inserted by Cal.P.U.C.)
Date Filed: August 6, 2004
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Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE

(Continued)

APPROVED

A. Nonpayment of Regular and Electronic Bills (Continued)

2. Application of Unused Portion of Prepayments or Deposits for Telephone Service

Telephone service will be temporarily or permanently discontinued and the amount of the charges therefor will be charged against the deposits on hand. Any amount of unused deposit will be returned to the customer but in no case less than the above prescribed number of days after the first day of presentation of that bill.

3. Former Service

A customer's telephone service may be temporarily or permanently discontinued for nonpayment of a bill for the same class of service (residence and business) previously furnished at a location served by the Utility, provided said bill is not paid within 22 days after the date of presentation at the location of the new or existing service. The written 7-day notice required under Section A.1.a. above is applicable prior to discontinuance of a customer's telephone service.

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(C)

4. Universal Lifeline Telephone Service (ULTS)

Disconnection of ULTS is prohibited for nonpayment of toll charges.

B. Unsafe or Prohibited Facilities, Appliances, or Apparatus

The Utility may refuse to furnish service on the premises of an applicant and may disconnect a customer's telephone service on a premises if any of the facilities, appliances, or apparatus on such premises are found to be unsafe; or if their use is prohibited under any law, ordinance, or regulation, until such law, ordinance or regulation shall be repealed or be declared invalid by a court of competent jurisdiction; and may refuse to furnish telephone service on such premises until the applicant or subscriber shall have remedied the unsafe condition and complied with the laws, ordinances and regulations or legal requirements applicable to that premises.

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DISCONTINUANCE AND RESTORATION OF SERVICE
(Continued)

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C. Service Detrimental to Other Subscribers

The Company will not establish service which will be detrimental to the service of its other subscribers, and will discontinue telephone service to any subscriber utilizing the telephone service in such a manner as to make it dangerous for occupants of the premises after having been directed by the Company to cease so doing.

D. Fraud

The Company shall have the right to refuse or to discontinue telephone service without notice if the acts or omissions of the subscriber or the conditions upon his premises are such as to indicate intention to defraud the Company or threaten the integrity or security of the Company's operations or facilities.

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E. Failure to Meet Deposit Requirements

A subscriber's telephone service may be temporarily or permanently discontinued for failure to make deposits required under Rule and Regulation No. 7.

F. Noncompliance

The Company shall have the right to discontinue telephone service to a subscriber for noncompliance with any of these rules and regulations if, after written notice of at least five days, he shall not have come into compliance therewith.

G. Subscriber's Request for Service Discontinuance

Customers may cancel without termination fees or penalties any new tariffed service or any new contract for service within thirty (30) days after the new service is initiated. This Rule does not relieve the customer from payment for per use and normal recurring charges applicable to the service incurred before canceling, or for the reasonable cost of work done on the customer's premises (such as wiring or equipment installation) before the customer canceled.

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H. Reserved for future use.

(D)

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DISCONTINUANCE AND RESTORATION OF SERVICE

H. Reserved for future use. (Continued)

(T)

(D)

(D)

I. Restoration - Reconnection Charge

The Utility will collect a restoral charge as set forth in Schedule No. A-17, Rates (2)r when restoring service which has been temporarily disconnected. The applicable Multi-Element Service charges set forth in Schedule No. A-17 will apply when restoring service which has been permanently disconnected in accordance with the provisions of this rule.

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(T)

J. Abusive Language by Customers

The Utility may discontinue the telephone service of any customer who uses vile, abusive or profane language, or impersonates any other individual with fraudulent intent, over any line connected to the Utility's system, after the customer has been advised of that fact.

K. Temporary or Permanent Discontinuance of Service

When the Utility has the right to temporarily or permanently discontinue telephone service as provided for in these rules and regulations it may do either at its option.

L. Directory Advertising Charges

A customer's telephone service will not be temporarily or permanently discontinued for failure of that customer to pay charges for advertising in the telephone directory.

(Continued)

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Rule and Regulation No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE
(Continued)

M. Prohibits the interconnection of Automatic Dialing-Announcing Devices used for solicitation. (N)

On and after _____, any Automatic Dialing-Announcing Device used for solicitation may not be connected to the telephone network, except as described in this tariff.

DEFINITION

1. An Automatic Dialing-Announcing Device (ADAD) is any automatic terminal equipment which incorporates the following features:

- a. (1) Storage capability of numbers to be called; or
- (2) A random or sequential number generator that produces numbers to be called; and
- (3) An ability to dial a call; and
- b. Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

CONDITIONS

1. An ADAD may not be operated while connected to the telephone network, except under the following conditions:

- a. An ADAD may be used pursuant to a prior agreement from the called party that (s)he desires to receive such telephone communication; or
- b. An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:
 - (1) States the nature and length in minutes of the recorded message; and
 - (2) Identifies the individual, business, group, or organization calling; and
 - (3) Asks the called party whether (s)he is willing to listen to the recorded message; and
 - (4) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message.

2. a. Before an ADAD may be operated while connected to the telephone network, the potential user of such device shall notify the telephone utility in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate (Cont. (N))

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Rule and Regulation No. 11

CONDITIONS - Continued

of the expected traffic volume in terms of message attempts per hour and average length of completed message. (N)

- b. The telephone utility shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others below the standard level set forth in General Order No. 133 of the California Public Utilities Commission, the utility may discontinue the service after five days' notice to the customer. If use of the ADAD creates a call blockage in a telephone company switching office, the utility may disconnect the service with no prior notice.
- c. The telephone customer who uses ADAD equipment shall notify the utility in writing within 30 days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.
- d. No ADAD shall be connected to the network until the telephone utility has determined that the equipment can effectively preclude calls to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or in statute, as customers who are not to receive ADAD calls.

3. The telephone utility may discontinue the telephone service of any customer who uses an ADAD in violation of the provision of this rule provided that the customer is given five days' notice or with no prior notice if use of the ADAD creates a call blockage in a telephone company switching office.

4. Any dispute involving application of this rule may be referred to the California Public Utilities Commission for review. Any request for deviation shall be made to the Commission by means of an application under the Commission's Rules of Practice and Procedure.

5. Before being connected to the switched network an ADAD must also be (N)

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DISCONTINUANCE AND RESTORATION OF SERVICE
(Continued)

M. (Continued)

5. (Continued)

certificated for interconnection pursuant to the California Public Utilities Commission's General Order No. 138 – Series or approved for interconnection by the Federal Communications Commission.

N. Prior Customer Disconnected for Nonpayment of Regular and Electronic Bills

(T)

1. Residence Service

The Utility may not discontinue or deny service at a premises where services provided to a prior customer were disconnected for nonpayment, except where it is found that the delinquent customer still resides at the same premises.

The Utility may require a written statement from a newly connecting customer stating that the former customer at that address was and is not a member of the household, provided:

- a. There have been at least two terminations of service at the same premises (within the preceding 12 months) without full payment of delinquent bills, or
- b. The Utility secures evidence from an external source that a fraudulent pattern of nonpayment is probable.

In the event that the statement is falsified, the new customer will be held liable for the entire delinquent bill owed the Utility by the previous customer and shall also be liable for a deposit.

2. Business Service

The Utility may not discontinue or deny service at a premises where services provided to a prior customer were disconnected for nonpayment, except where it is found that the delinquent customer still occupies the same premises or is affiliated with the newly connecting customer.

The Utility may require a written statement from a newly connecting customer stating that the former customer at that address was and is not affiliated with their business.

In the event that the statement is falsified, the new customer will be held liable for the entire delinquent bill owed the Utility by the previous customer and shall also be liable for a deposit.

(Continued)

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Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE
(Continued)

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O. Notice to Customer

Except as provided by these rules or regulations, the Utility will not partially, temporarily or permanently discontinue telephone service to any customer except upon written notice of at least 7 days, advising the customer of the intention to discontinue, the reasons for the discontinuance, and the steps which must be taken to avoid discontinuance. Such notice shall also advise the customer of the provisions of Rule No. 10, Disputed Bills, and shall advise the customers that they can invoke these provisions if unable to resolve the dispute with the Utility. This notice may be waived in a case of an emergency which renders the immediate discontinuance of service to the premises imperative. Denial of dial tone is a partial discontinuance of service under this Rule.

(C)

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