

CHAPTER 80. WIDE AREA CALLING PLAN (WACP)

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[Authority: Okla. Const. Art. IX Section 18, 17 O.S. Sections 131 et seq., 18 O.S. Sections 483.1 et seq., and 75 O.S. Section 302(A)(2)]

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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165:80-1-1.Purpose; short title

(a) This Chapter establishes the Oklahoma Corporation Commission Wide Area Calling Plan (WACP) rules and procedures for applications which may be cited by the short title as Oklahoma WACP Rules, adopted by the Commission in Cause No. RM 000049, Order No. 355459, on March 20, 1991, with final adoption on May 23, 1991, pursuant to 75 O.S., Section 308.1(A) with an effective date of June 27, 1991.

(b) This Chapter and procedures herein are intended to provide an orderly, reasonable, fair, and definitive process for the presentation of requests for wide area calling.

165:80-1-2.Jurisdiction

The Oklahoma Corporation Commission (Commission), by virtue of Article IX, Section 18 et seq., of the Constitution of the State of Oklahoma, Title 17, Section 131 et seq., of the Oklahoma Statutes and sundry other enactments of the Oklahoma legislature, has authority and responsibility to supervise, regulate, and control the public service business of telephone companies in Oklahoma, and to enact rules and regulations in connection therewith.

165:80-1-3.Application of rules

This Chapter and procedures herein apply to any application filed by the Commission staff, or any proceeding initiated by the Commission on its own motion, seeking to develop a comprehensive WACP within any major metropolitan area or to any comprehensive WACP between several small communities linked by virtue of a geographical closeness (geographical region).

165:80-1-4. Scope of rules

Unless otherwise specifically provided in this Chapter, OAC 165:5 shall govern causes brought for WACPs.

165:80-1-5. Interpretation of rules

Where by their context the rules of this Chapter establish standards or objectives, substantial compliance therewith will be deemed compliance with this Chapter. Where by their context the rules of this Chapter imposes an absolute obligation, strict compliance is required.

165:80-1-6. Relief from rules

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship, excessive expense, or for other good cause shown, the Commission may, by order, waive or modify the requirements of this Chapter, upon application of any interested party.

165:80-1-7¹. Rules conform to law

This Chapter shall be construed to conform with the Constitution and laws of the State of Oklahoma.

¹Editor's Note: In the initial codification of this agency's rules (12-31-91), this Section was misnumbered as 165:60-1-7.

165:80-1-8¹. Controversy over rules

Whenever a controversy exists in connection with the interpretation of this Chapter, or its applicability, or any right or duty imposed thereby, the Commission, upon application of any interested party and after notice and hearing, will enter such order thereon as it may deem appropriate.

¹Editor's Note: In the initial codification of this agency's rules (12-31-91), this Section was misnumbered as 165:60-1-8.

165:80-1-9. Severability

(a) This Chapter will not relieve in any way a telephone company or customer from any of its duties under the laws of this State or the United States. If any provision of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

(b) This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission or the substantive rights of any person.

(c) The Commission may make exceptions to this Chapter for good cause.

**SUBCHAPTER 3. APPLICATION AND GENERAL
PROCEDURAL REQUIREMENTS**

Section

165:80-3-1. Commencement of proceeding

165:80-3-2. Application for WACP

165:80-3-3. Filing of application

165:80-3-1. Commencement of proceeding

Commencement of the proceeding may be initiated by the Commission on its own motion.

165:80-3-2.Application for WACP

- (a) The applicant shall be the Commission staff.
- (b) The application shall state the general metropolitan area or geographic region for which wide area calling is being requested.
- (c) The metropolitan area or geographic region must be in the same LATA.

165:80-3-3.Filing of application

(a) The original and eight (8) legible copies of the application shall be filed with the Commission's Court Clerk. In addition, a complete copy of the application shall be mailed, postage prepaid, to:

- (1) The local telephone company/companies serving the metropolitan area or geographic region.
- (2) The Office of the Attorney General.
- (3) As directed by the Commission, the County Clerk of the county/counties located within the area to be impacted by the WACP or to the Chief Executive Officers of the towns and cities located within the area to be impacted by the WACP.

SUBCHAPTER 5. CRITERIA FOR WACP ARRANGEMENT

Section

165:80-5-1. Determination of cost, engineering, and rate design

165:80-5-2. Public input

165:80-5-3. Hearing process

165:80-5-4. Intervenor status

165:80-5-5. Amendment of application

165:80-5-1.Determination of cost, engineering, and rate design

(a) The Commission will order cost, engineering, and rate design studies to be made by the telephone company/companies within a reasonable time. Any interested party may have their own cost, engineering, and rate design studies made for use in the cause, but such studies will be at the expense of that party. Summaries of the cost, engineering, and rate design studies will be filed with the Commission's Court Clerk within the time ordered by the Commission and a copy sent to all interested parties.

(b) Upon receipt of the cost, engineering, and rate design studies summaries and after appropriate review, the attorney for the Public Utility Division staff will arrange and conduct a technical conference for the purposes of discussing the cost, engineering, and rate design studies and summaries, and considering appropriate rate design and cost recovery methods to be recommended to the Commissioners or their designee. If it appears that the rate design and cost recovery methods for the WACP are cost prohibitive, any interested party may propose alternatives to WACP in writing. At the technical conference, the scheduling of prefiled testimony and responsive testimony dates shall also be determined.

(c) Recovery of the revenue requirement caused by the WACP will be borne by the subscribers benefiting from the plan or as the Commission may so direct.

165:80-5-2.Public input

(a) The Commission may request that the subscribers indicate their interest or support for the proposed WACP. The Commission may choose from options including, but not limited to:

- (1) Polling by telephone or mail.
- (2) Statistically valid sampling methods.
- (3) Resolutions from County Commissioners and/or City Council members in the affected areas.
- (4) Other methods dependent upon the circumstances in the cause.

(b) The results of the request for public input will be advisory and not binding upon the Commission.

165:80-5-3.Hearing process

(a) A hearing will be set before the Commission en banc, unless the Commission directs otherwise. Notice shall be given to all subscribers whose basic local service rates would be increased by the proposed rate design and cost recovery methods in the manner provided in OAC 165:5 or as the Commission may otherwise direct in its Notice of Hearing.

(b) Prefiled testimony and responsive testimony shall be filed prior to the hearing as set forth at the technical conference as provided in 165:80-5-1(b). Prefiled testimony shall include, among other things, the proposed rate design for the calling plan.

(c) The Commission will make its determination following the hearing and issue its order.

165:80-5-4. Intervenor status

(a) Commission Rules of Practice, OAC 165:5, pertaining to intervention will be strictly applied in WACPs in order to focus upon the specific subject matter of each cause. Persons applying for intervenor status will have the burden of showing their interest in the subject matter, and their participation will be limited to the matter set out in the application.

(b) The Attorney General will be granted intervenor status upon request since it is presumed the Attorney General has an interest in any cause involving telephone service and rates.

165:80-5-5. Amendment of application

The right to amend a WACP application to change the metropolitan area or geographic region may be requested by any interested party.