



STATE OF DELAWARE  
PUBLIC SERVICE COMMISSION

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May 1, 2014

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MEMORANDUM

TO: The Chair and Members of the Commission

FROM: Connie S. McDowell, Senior Regulatory Policy Administrator *CSM*

SUBJECT: IN THE MATTER OF THE PROPOSED ADOPTION OF REGULATIONS GOVERNING THE MINIMUM SERVICE REQUIREMENTS FOR THE PROVISION OF TELEPHONE SERVICE FOR PUBLIC USE WITHIN THE STATE OF DELAWARE (OPENED DECEMBER 13, 1988; REOPENED MAY 13, 2014)-PSC REGULATION DOCKET NO. 20

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BACKGROUND:

Several years ago, this Commission adopted its "Regulation Governing the Minimum Service Requirements for the Provision of Telephone Service for Public Use Within the State of Delaware", which included service standards for the provision of telephone service.

Staff is now proposing to update these Rules in light of the passage of Delaware House Bill No. 96 which took effect on July 15, 2013. The legislative revisions to Title 26 of the Delaware Code reduces the oversight of competitive services while oversight is retained for basic services.

SUMMARY OF THE REVISIONS:

The following describes the revisions proposed:

In the Section 1.0 General Rules, the Authorization of Rules was updated to include that House Bill 96 which was effective on July 15, 2013 limited the Commission's authority to regulate telecommunications service quality for telecommunications services. In Application of Rules, the sentence about the effective date was eliminated since there is a process for these proposed rules to go through before the Commission will make a final decision. Also, House Bill 96 changed the definition of Basic Services. Wording was added to clarify that these proposed rules pertain to Basic Services as defined in 26 Del. C. §705(a).

Section 2.0, Definition of Terms, the definition of Basic Services was added and other definitions were revised or deleted because the terms are outdated or now longer necessary. The new legislation has dramatically changed the services now classified as Basic Services. Also, since House Bill 96 limited the Commission's authority on regulating telecommunications services, quite a few terms are no longer relevant and therefore, these terms were deleted from the proposed rules.

Section 3.0, Records and Reports, has been modified to reflect the books and records that need to be made available for the regulated services now within the authority of the Commission. Also, tariffs or

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price lists for basic services are still required to be filed with the Commission and any changes of those tariffs or price lists.

In Section 4.0, Customer Service and Protection, there have been some revisions to limit the oversight the new definition of Basic Services, but this Section was not deleted because there may be a few customers that only have one source of accessing telecommunications services. These customers would not be able to have wireless, cable or any other means of accessing telecommunications services.

In Section 5.0, Quality of Service, all of the regulations have been deleted. Directory services have been de-regulated for several years. The remainder of the Section has been deleted because there is sufficient competition for customers to choose other telecommunications service providers including wireless and cable and the legislation also limits the Commission's authority to investigate and resolve complaints.

STAFF RECOMMENDATION:

Staff recommends that the Commission sign PSC Order No. 8518, which reopens this regulation docket and permits comments from interested parties so that this regulation can be modified in accordance with House Bill No. 96.