

***Superseded 7/1/2017***

**54-8b-2 Definitions.**

As used in this chapter:

- (1)
  - (a) "Aggregator" means any person or entity that:
    - (i) is not a telecommunications corporation;
    - (ii) in the ordinary course of its business makes operator assisted services available to the public or to customers and transient users of its business or property through an operator service provider; and
    - (iii) receives from an operator service provider by contract, tariff, or otherwise, commissions or compensation for calls delivered from the aggregator's location to the operator service provider.
  - (b) "Aggregator" may include any hotel, motel, hospital, educational institution, government agency, or coin or coinless telephone service provider so long as that entity qualifies under Subsection (1)(a).
- (2) "Basic residential service" means a local exchange service for a residential customer consisting of:
  - (a) a single line with access to the public switched network;
  - (b) touch-tone or the functional equivalent;
  - (c) local flat-rate unlimited usage, exclusive of extended area service;
  - (d) single-party service;
  - (e) a free phone number listing in directories received for free;
  - (f) access to operator services;
  - (g) access to directory assistance;
  - (h) access to lifeline and telephone relay assistance;
  - (i) access to 911 and E911 emergency services;
  - (j) access to long-distance carriers;
  - (k) access to toll limitations services;
  - (l) other services as may be determined by the commission; and
  - (m) no feature.
- (3) "Certificate" means a certificate of public convenience and necessity issued by the commission authorizing a telecommunications corporation to provide specified public telecommunications services within a defined geographic service territory in the state.
- (4) "Division" means the Division of Public Utilities established in Section 54-4a-1.
- (5) "Essential facility or service" means any portion, component, or function of the network or service offered by a provider of local exchange services:
  - (a) that is necessary for a competitor to provide a public telecommunications service;
  - (b) that cannot be reasonably duplicated; and
  - (c) for which there is no adequate economic alternative to the competitor in terms of quality, quantity, and price.
- (6)
  - (a) "Feature" means a custom calling service available from the central office switch, including call waiting, call forwarding, three-way calling, and similar services.
  - (b) "Feature" does not include long distance calling.
- (7) "Federal Telecommunications Act" means the Federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

- (8) "Incumbent telephone corporation" means a telephone corporation, its successors or assigns, which, as of May 1, 1995, held a certificate to provide local exchange services in a defined geographic service territory in the state.
- (9) "Intrastate telecommunications service" means any public telecommunications service in which the information transmitted originates and terminates within the boundaries of this state.
- (10) "Local exchange service" means the provision of telephone lines to customers with the associated transmission of two-way interactive, switched voice communication within the geographic area encompassing one or more local communities as described in maps, tariffs, or rate schedules filed with and approved by the commission.
- (11) "Mobile telecommunications service" means a mobile telecommunications service:
  - (a) that is defined as a mobile telecommunications service in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124; and
  - (b) in which the information transmitted originates and terminates in one state.
- (12)
  - (a) "New public telecommunications service" means a service offered by a telecommunications corporation which that corporation has never offered before.
  - (b) "New public telecommunications service" does not include:
    - (i) a tariff, price list, or competitive contract that involves a new method of pricing any existing public telecommunications service;
    - (ii) a package of public telecommunications services that includes an existing public telecommunications service; or
    - (iii) a public telecommunications service that is a direct replacement for:
      - (A) a fully regulated service;
      - (B) an existing service offered pursuant to a tariff, price list, or competitive contract; or
      - (C) an essential facility or an essential service.
- (13) "Operator assisted services" means services which assist callers in the placement or charging of a telephone call, either through live intervention or automated intervention.
- (14) "Operator service provider" means any person or entity that provides, for a fee to a caller, operator assisted services.
- (15) "Price-regulated service" means any public telecommunications service governed by Section 54-8b-2.3.
- (16) "Public telecommunications service" means the two-way transmission of signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, lightwaves, or other electromagnetic means offered to the public generally.
- (17) "Substantial compliance" with reference to a rule or order of the commission means satisfaction of all material obligations in a manner consistent with the rule or order.
- (18) "Telecommunications corporation" means any corporation or person, and their lessees, trustees, receivers, or trustees appointed by any court, owning, controlling, operating, managing, or reselling a public telecommunications service.
- (19)
  - (a) "Total service long-run incremental cost" means the forward-looking incremental cost to a telecommunications corporation caused by providing the entire quantity of a public telecommunications service, network function, or group of public telecommunications services or network functions, by using forward-looking technology, reasonably available, without assuming relocation of existing plant and equipment.
  - (b) The "long-run" means a period of time long enough so that cost estimates are based on the assumption that all inputs are variable.