

## **CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS PROVIDERS.**

### **Subchapter L. WHOLESALE MARKET PROVISIONS.**

#### **§26.271. Expanded Interconnection.**

- (a) **Applicability.** Unless the context clearly indicates otherwise, the provisions relating to expanded interconnection for special access and/or private line services in this section apply to each carrier that is dominant with respect to special access services and that has interstate tariffs in effect that provide for expanded interconnection for special access services. Similarly, unless the context clearly indicates otherwise, the provisions relating to expanded interconnection for switched transport services in this section apply to each carrier that is dominant with respect to switched transport services and that has interstate tariffs in effect that provide for expanded interconnection for switched transport services. A carrier that is dominant with respect to local exchange telephone service is, by definition, also dominant with respect to switched transport services.
- (b) **Expanded interconnection for special access and private line services.**
  - (1) Expanded interconnection for DS1 and DS3 special access services, and special access services for which interstate expanded interconnection has been granted. Each dominant carrier that is subject to this section shall offer expanded interconnection as specified in this subsection for the services listed in subparagraphs (A) - (C) of this paragraph. The dominant carrier shall offer expanded interconnection for these services at the same locations, in the same manner, and, except for price, under the same terms and conditions as it offers expanded interconnection for interstate special access services, unless ordered otherwise by the commission. This paragraph applies to the following intrastate special access services:
    - (A) special access DS1;
    - (B) special access DS3; and
    - (C) special access services for which interstate expanded interconnection has been granted.
  - (2) **Expanded interconnection for all special access and private line services.** Each dominant carrier that is subject to this section shall offer expanded interconnection as specified in this subsection for the services listed in subparagraphs (A) - (B) of this paragraph. The dominant carrier shall offer expanded interconnection for these services at the same locations, in the same manner, and, except for price, under the same terms and conditions as it offers expanded interconnection for interstate special access services, unless ordered otherwise by the commission. This paragraph applies to the following intrastate services:
    - (A) all private line services, as that term is defined in §26.5 of this title (relating to Definitions); and
    - (B) all special access services.
  - (3) **Tariff provisions.**
    - (A) Each dominant carrier that is subject to this section shall file tariff revisions to unbundle each service for which expanded interconnection shall be offered and to remove any resale or sharing restrictions for each such service. As used in this subparagraph, to unbundle means to make available, on an unrestricted basis, the individual rate elements necessary to provide a special access service or a private line service.
    - (B) Each dominant carrier that is subject to this section shall file tariffs to establish connection charges for the use of equipment and facilities that are associated with offerings of expanded interconnection under this subsection. Unless ordered otherwise by the commission, the definitions of such connection charges and the regulations governing their application shall be the same as those contained in the carrier's interstate expanded interconnection tariffs. The dominant carrier shall not impose a separate charge or rate element that is not included in its interstate tariffs for interconnection for special access

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#### **§26.271(b)(3)(B) continued**

services. The dominant carrier shall not impose a separate charge or rate element for interconnection for private line services that is not included in its tariffs for interconnection for special access services.

- (4) **Implementation.** All dominant carriers subject to this section shall file tariff amendments in compliance with paragraph (3) of this subsection.
    - (A) Initial filing to implement paragraph (1) of this subsection. A dominant carrier shall file initial tariff amendments to implement the provisions of paragraph (1) of this subsection within 60 days of being declared a dominant carrier.
    - (B) **Initial filing to implement paragraph (2) of this subsection.** A dominant carrier shall file initial tariff amendments to implement the provisions of paragraph (2) of this subsection within 60 days of being declared a dominant carrier.
    - (C) **Initial filings in compliance with this subsection shall be filed pursuant to §23.26 of this title (relating to New and Experimental Services).** Initial tariff amendments filed in compliance with this subsection shall be filed pursuant to §23.26; provided, however, the provisions of §23.26(c)(6) shall not apply with respect to rates proposed in compliance with paragraph (3)(A) or (B) of this subsection if the dominant carrier proposes rates that are the same as the rates in effect for the carrier's interstate provision of the same, equivalent or substitutable service. Tariff revisions filed pursuant to this subsection shall not be combined in a single application with any other tariff revision.
    - (D) **Additional filings.** A dominant carrier shall make, within 15 days of the effective date of an interstate tariff providing for expanded interconnection, such additional tariff filings as are required to remain in compliance with this subsection. The proposed effective date of such additional tariff filings shall be not later than 60 days after the filing date, unless suspended.
  - (5) **Customer specific contracts.** This subsection does not require the unbundling or removal of resale prohibitions in customer specific contracts in effect on or before February 22, 1994.
- (c) **Expanded interconnection for switched transport services.**
- (1) **Expanded interconnection for all switched transport services.** Each dominant carrier that is subject to this section shall offer expanded interconnection as specified in this subsection for all switched transport services at the same locations, in the same manner, and except for price, under the same terms and conditions as it offers expanded interconnection for interstate switched transport services, unless ordered otherwise by the commission.
  - (2) **Tariff provisions and implementation.** Each dominant carrier that is subject to this section shall file tariffs to establish connection charges for the use of equipment and facilities that are associated with offerings of expanded interconnection under this subsection.
    - (A) Unless ordered otherwise by the commission, the definitions of such connection charges and the regulations governing their application shall be the same as those contained in the carrier's interstate expanded interconnection tariffs.
    - (B) Absent additional costs, the dominant carrier shall impose a single charge when the same facilities are used to provide expanded interconnection for both special access and switched transport services. If additional facilities are used, the dominant carrier may assess additional cost-based connection charge subelements for the use of such additional facilities.

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#### **§26.271(c)(2) continued**

- (C) The dominant carrier shall not impose a separate charge or rate element that is not included in its interstate tariffs for interconnection for switched transport services.
  - (D) A dominant carrier shall apply nonrecurring reconfiguration charges in a neutral manner to customers of either the interconnector or dominant carrier unless justified by specific identifiable cost differences. In addition, any differences between the charges applicable when a customer shifts to an interconnector's service and those applicable when a customer reconfigures its service with the dominant carrier must be cost-based.
  - (E) A dominant carrier shall file initial tariffs to implement the provisions of this subsection within 60 days of being declared a dominant carrier.
  - (F) Initial tariff filings in compliance with this subsection shall be filed pursuant to the provisions of §23.26; provided, however the provisions of §23.26(c)(6) shall not apply with respect to rates proposed in compliance with subparagraph (A) - (E) of this paragraph if the dominant carrier proposes rates that are the same as the rates in effect for the carrier's interstate provision of the same, equivalent or substitutable service. Tariff revisions filed pursuant to this subsection shall not be combined in a single application with any other tariff revision.
  - (G) A dominant carrier shall make, within 15 days of the effective date of an interstate tariff providing for expanded interconnection, such additional tariff filings as are required to remain in compliance with this subsection. The proposed effective date for such additional tariff filings shall be not later than 60 days after the filing date, unless suspended.
- (d) **Waivers.** A dominant carrier may seek a waiver from the requirements of subsections (b) and (c) of this section at a location where the opportunity for the application of an Federal Communications Commission (FCC) waiver does not exist. The request shall be granted if the presiding officer of the commission finds that the dominant carrier has demonstrated that it is not feasible to provide interconnection at a specific location due to lack of space.
- (e) **Voluntary agreements.** A dominant carrier and one or more interconnectors may agree to alternative interconnection arrangements at a specific location that are different from those required by subsections (b) and/or (c) of this section, provided such arrangements are tariffed and made generally available for that location. Any such agreement shall not modify the dominant carrier's obligations under subsections (b) and (c) with respect to any other interconnector that does not elect to subscribe to the voluntary arrangement.
- (f) **Bona fide requests.** If a dominant carrier would be required to provide expanded interconnection for interstate special access or switched transport services at a particular location upon receipt of a bona fide request for such interstate interconnection, the dominant carrier shall provide interconnection for intrastate services as required by subsections (b) and (c) of this section upon receipt of a bona fide request for such intrastate interconnection at any location not covered by its interstate tariffs, subject only to the same conditions and exceptions that would be applicable to a bona fide request for interconnection for interstate services.
- (g) **Utilization of collocation space.** A dominant carrier shall permit an interconnector to use the same collocation space for both interstate and intrastate interconnection services.

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- (h) **Utilization of facilities.** A dominant carrier shall permit an interconnector to use the same facilities for both interstate and intrastate switched access traffic.
- (i) **Reciprocal expanded interconnection.** An incumbent local exchange carrier is required to provide expanded interconnection to another local exchange carrier pursuant to the requirements of subsections (b) and (c) of this section only if the second local exchange carrier agrees to provide expanded interconnection, in a like manner, to the incumbent local exchange carrier.