

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter C. INFRASTRUCTURE AND RELIABILITY.

§26.51. Reliability of Operations of Telecommunications Providers.

- (a) **Application.** Unless the context clearly indicates otherwise, in this section the term “utility,” insofar as it relates to telecommunications utilities, shall refer to local exchange companies that are facilities-based providers, as defined in §26.5 of this title (relating to Definitions). This section does not apply to a deregulated company holding a certificate of operating authority or to an exempt carrier under Public Utility Regulatory Act (PURA) §52.154. This section also does not apply to the retail services of an electing company, as defined by PURA §58.002, or to the retail nonbasic services offered by a transitioning company, as defined by PURA §65.002.
- (b) **Emergency Operations Plan.** Each utility shall file with the commission a copy of its emergency operations plan or a comprehensive summary of its emergency operations plan by May 1, 2008.
- (1) **Filing requirements.** The filing shall include an affidavit from the utility’s operations officer indicating that all relevant operating personnel within the utility are familiar with the contents of the emergency operations plan; and such personnel are committed to following the plans and the provisions contained therein in the event of a system-wide or local emergency that arises from natural or manmade disasters, except to the extent deviations are appropriate under the circumstances during the course of an emergency. To the extent the utility makes changes in its emergency operations plan, the utility shall file the revised plan or a revision to the comprehensive summary that appropriately addresses the changes to the plan no later than 30 days after such changes take effect.
- (2) **Information to be included in the emergency operations plan.** Each emergency operations plan maintained by a utility shall include, but is not limited to, the following:
- (A) A communications plan that describes the procedures for contacting the media, customers, and service users as soon as reasonably possible either before or at the onset of an emergency. The communications plan should also:
- (i) address how the utility’s telephone system and complaint-handling procedures will be augmented during an emergency;
- (ii) identify key personnel and equipment that will be required to implement the plan when an emergency occurs;
- (B) priorities for restoration of service;
- (C) a plan for disaster recovery and continuity of operations;
- (D) a plan to provide continuous and adequate service during a pandemic; and
- (E) a hurricane plan, including evacuation and re-entry procedures (for a utility providing service within a hurricane evacuation zone, as defined by the Governor’s Division of Emergency Management).
- (3) **Drills.** Each utility is required to train its operating personnel in the proper procedures for implementing its emergency plan. Each utility shall conduct or participate in an annual drill to test its emergency procedures unless it has implemented its emergency procedures in response to an actual event within the last 12 months. If a utility is in a hurricane evacuation zone (as defined by the Governor’s Division of Emergency Management), this drill shall also test its hurricane plan/storm recovery plan. The commission should be notified no later than 21 days prior to the date of the drill. Following the annual drill, the utility shall assess the effectiveness of the drill and modify its emergency operations plan as needed.
- (4) **Emergency contact information.** Each utility shall submit emergency contact information in a form prescribed by commission staff by May 1 of each calendar year. Notification to commission staff regarding changes to the emergency contact list shall be made within 30 days. This information will be used to contact utilities prior to and during an emergency event.
- (5) **Reporting requirements.** Upon request by the commission staff during a SOC inquiry or declared emergency event, affected utilities shall provide updates on the status of operations,

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outages and restoration efforts. Updates shall continue until all event-related outages are restored or unless otherwise notified by commission staff.

- (6) **Copy available for inspection.** A complete copy of the above plans shall be made available at the utility's main office for inspection by the commission or commission staff upon request.
- (c) **Continuity of service.**
 - (1) Every utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall restore service as soon as practicable, with priority of restoration taking into account such matters as the extent of repairs necessary, needs of the community and minimization of danger to the public, emergency personnel and the utility's workers.
 - (2) Each utility shall make reasonable provisions to manage emergencies resulting from failure of service.
 - (3) In the event of a national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, deliberately interrupt service to selected customers to provide necessary service for the civil defense or other emergency service agencies temporarily until normal service to these agencies can be restored.
- (d) **Record of interruption.** Except for momentary interruptions caused by automatic equipment operations, each utility shall keep a complete record of all interruptions, both emergency and scheduled. This record shall show the cause for interruptions, date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent recurrence.
- (e) **Report to commission.** The following guidelines are a minimum basis for reporting service interruptions. Any report of service interruption shall state the cause(s) of the interruption. Utilities should report major outages lasting less than four hours in a timely manner or as soon as reasonably possible. Utilities shall notify the commission in a timely manner in writing of interruptions in service lasting four or more hours affecting:
 - (1) 50% of the toll circuits serving an exchange;
 - (2) 50% of the extended area service circuits serving an exchange;
 - (3) 50% of a central office;
 - (4) 20% or more of an exchange's access lines; or
 - (5) any component of the 9-1-1 system that results in an outage to the 9-1-1 service.
- (f) **Change in character of service.**
 - (1) If any change is planned or made by the utility in the type of service rendered by the utility that would adversely affect the efficiency or operation of the customer equipment connected to the utility's network, the utility shall notify the affected customer at least 60 days in advance of the change or within a reasonable time as practicable.
 - (2) This paragraph applies only to local exchange companies that are dominant carriers, as defined in §26.5 of this title. Where change in service requires dominant carriers to adjust or replace standard equipment, these changes shall be made to permit use under such changed conditions, adjustment shall be made by the dominant carrier without charge to the customers, or in lieu of such adjustments or replacements, the dominant carrier may make cash or credit allowances based on the duration of the change and the degree of efficiency loss.