

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8465. Forbearance of Rate Regulation to Facilitate Competition.

(a) In accordance with the provisions of this section, the Commission shall forbear regulation as to rates, tariffs, fares, or charges to facilitate competition and shall authorize the provision of all or any portion of regulated telecommunications service under stated or negotiated terms to any person or entity that has acquired or is contemplating acquisition of, through construction, lease, or any other form of acquisition similar telecommunications service from an alternate source.

(b) At any time, the provider of regulated telecommunications service may file a verified application with the Commission for forbearance of regulation to facilitate competition. The application must describe the telecommunications service to be offered, the customer to be served, and the party or parties offering similar service, together with other information and in a form that the Commission may prescribe. The additional information must be reasonably related to the determination of the existence of an alternative offer but may not require information relating to the cost of providing the service.

(c) The Commission shall approve or deny an application for forbearance of regulation to facilitate competition within thirty days after the filing of the application. If the Commission has not acted on an application within the permitted time period, the application is considered granted. The Commission shall deny the application only upon a finding that the application is incomplete or that the subject or similar service is not being offered to the customer by parties other than the applicant. If a customer or potential customer of the provider seeking forbearance requests a quotation of prices from another provider of telecommunications service having tariffs or price lists for similar services on file with the Commission, the Commission may presume the existence of competition.

(d) Upon approval of the application, the provider of telecommunications service may negotiate with a person or an entity for the provision of the service without regard to its tariffs or price lists on file with the Commission.

(e) Within ten days after the conclusion of the negotiations, the provider of regulated telecommunications service shall file with the Commission the final contract or other evidence of the service to be provided, together with the charges and other conditions of the service. Thereafter, for the term of the contract, the provider of regulated telecommunications service may provide the service to the customer without regard to its tariffs or price lists on file with the Commission.

(f) Services provided pursuant to subsection (a) remain subject to the regulatory powers of the Commission.

Source: PL 15-35, § 2 (8446), modified.

Commission Comment: The Commission deleted figures that were mere repetitions of words in subsections (c) and (e) above pursuant to its authority by 1 CMC § 3806.