

# *Visiology, Inc.*

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## **Telecommunications Regulatory Requirements**

Even though the reseller does not manage, control, operate, own, or lease any telecommunication facilities, most state public utility commissions have chosen to regulate the reseller. Regulation of the resale of long distance telecommunication services varies by commission. We can group that regulation into four categories:

- (1) not regulated;
- (2) registration required;
- (3) certification required; and
- (4) certification with hearing required.

The information provided in the following pages is based on relevant state commission orders, notices, rules, and similar documents as well as telephone discussions with responsible commission staff members. The requirements shown are for a "typical" reseller reselling 1+ traffic. In today's regulatory environment, the rules and regulations are changing frequently, and the actions of some commissions are subject to differing interpretations. Thus, the information provided herein, while considered to be generally reliable as of the date indicated, is not guaranteed. The chart provides the regulatory requirements for a typical reseller. However, it should not be used to determine the requirements for an actual company. State requirements may vary based on the reseller's services, pricing strategy, and method of operation.

STATE	CERTIFICATION	TARIFF	COST SUPPORT	ATTEND HEARING	ATTORNEY	FILING FEES	TIME ESTIMATE	CERTIFICATE OF FOREIGN CORP <sup>1</sup>	REGISTERED AGENT <sup>2</sup>
AK <sup>3</sup>	yes	yes	no	no	no	\$100	30 days	no	no
AL	yes	yes	no	yes	Optional <sup>4</sup>	\$0	3 Months	yes	yes
AR	yes	yes	no	no	no	\$200	30 days	yes	yes
AZ <sup>5</sup>	yes	yes	no	no	no	\$0	18 Months	no <sup>6</sup>	no
CA <sup>7</sup>	yes	maybe <sup>8</sup>	no	no	no	\$75	2 Months	yes	no
CO	Registration	maybe <sup>9</sup>	no	no	no	\$0	1 Day <sup>10</sup>	yes	yes
CT	yes	yes	no	yes <sup>11</sup>	no	\$1,000	3-4 Months	yes	yes
DC	No intrastate traffic to regulate.								
DE <sup>12</sup>	yes	yes	yes	no	no	\$750	2 Months	yes	yes
FL <sup>13</sup>	yes	yes	no	no	no	\$250	2-3 Months	yes	yes

<sup>1</sup> If your company is not incorporated but wants to do business in a state, a Certificate of Foreign Corporation is usually required. This column indicates if a copy of that certificate should be attached to your application for certification/registration.

<sup>2</sup> This column indicates if the name and address of your registered agent must be included in your application for certification/registration.

<sup>3</sup> Newspaper notices are required.

<sup>4</sup> Generally there is no intervention. Most clients go to hearing without attorney.

<sup>5</sup> Staff says that you can begin operating as soon as you have proof of filing.

<sup>6</sup> While a copy is not required, you must sign a statement that you have received your certificate.

<sup>7</sup> Must have \$25,000 in unincumbered capital for switchless, \$100,000 switched-based.

<sup>8</sup> If exempt from tariffing requirements, must comply with the Consumer Protection Rules adopted in Decision 96-09-098. Many resellers file tariffs.

<sup>9</sup> Switched-based resellers or resellers offering operator services or directory assistance must be certified and file a tariff.

<sup>10</sup> Registration effective on day filed. Certification 3 months.

<sup>11</sup> If no intervention, the hearing can be held by telephone.

<sup>12</sup> Bond of \$10,000 required. Notice must be published in newspapers.

<sup>13</sup> Amendment to rule 25-4.0042 on 1/12/92 prohibits carriers to sell to resellers who are not certified in the State of Florida.

STATE	CERTIFICATION	TARIFF	COST SUPPORT	ATTEND HEARING	ATTORNEY	FILING FEES	TIME ESTIMATE	CERTIFICATE OF FOREIGN CORP <sup>1</sup>	REGISTERED AGENT <sup>2</sup>
GA	yes	yes	no <sup>14</sup>	no	no	\$0	2-3 Months	yes <sup>15</sup>	no
HI	yes	yes	no	no	no	\$30	2 Month	yes	yes
IA	Notification	no	no	no	no	\$0	1 Day	no	yes
ID	Registration	yes	no	no	no	\$0	1 Month	yes	yes
IL	yes	yes	no	yes <sup>16</sup>	no	\$0	3 - 5 Months	yes	no
IN	yes	no <sup>17</sup>	no	no	no	\$0	30 days	yes	yes
KS	Registration	yes	no	no	no	\$250	2 Months	yes	no
KY	Registration	yes	no	no	no	\$0	1 Month	yes	yes
LA <sup>18</sup>	yes	yes	no	no	no	\$250	4-5 Months	yes	yes
MA	yes	yes	no	no	no	\$100	1 Month	no	no
MD <sup>19</sup>	yes	yes	no	no	no	\$2,500	1-2 Months	yes	yes
ME <sup>20</sup>	yes	yes	no	no	no	\$0	3 Months	yes	yes
MI	Registration	no	no	no	no	\$0	15 days	no	yes
MN <sup>21</sup>	yes	yes	no	no	no	<sup>22</sup>	2 Months	yes	yes
MO	yes	yes	no	no	yes	\$0	2 Months	yes	yes
MS	yes	yes	no	no	yes	\$0 <sup>23</sup>	2 Months	yes	yes

<sup>14</sup> Must offer a service equal to or less than AT&T MTS and calling card service on a cell by cell comparison. All outbound services must offer 0-16 miles free.

<sup>15</sup> Must include the "charter or file identification number" from your Certificate of Authority as a Foreign Corporation issued by the Secretary of State.

<sup>16</sup> If there is no intervention, hearing may be conducted via telephone.

<sup>17</sup> A tariff is required if you resell operator services to traffic aggregators.

<sup>18</sup> Bond required for debit cards.

<sup>19</sup> Financials must be strong. Commission is rejecting companies with losses and/or negative equity .

<sup>20</sup> Will grant waiver from double payment of access charges on switched services but not for dedicated service.

<sup>21</sup> The commission has recently rejected resellers with weak financial statements. Debit cards require bond.

<sup>22</sup> No filing fee. However, applicant will be billed an hourly rate for the number of hours spent on the application. Typically runs \$100 - \$500.

<sup>23</sup> Commission will bill company for cost of publishing notice which is about \$50.

STATE	CERTIFICATION	TARIFF	COST SUPPORT	ATTEND HEARING	ATTORNEY	FILING FEES	TIME ESTIMATE	CERTIFICATE OF FOREIGN CORP <sup>1</sup>	REGISTERED AGENT <sup>2</sup>
MT	Registration	no	no	no	no	\$0	7 Days	no	yes
NC	yes <sup>24</sup>	no <sup>25</sup>	no	no <sup>25</sup>	no	\$250	1 Months	yes	no
ND	Registration	no	no	no	no	\$0	2 Months	yes	no
NE	yes	yes	no	no	no	\$50	2 Months	yes	yes
NH	Registration	yes	no	no	no	\$0	30 Days	yes	yes
NJ	Resellers must file Resale Acknowledgement Form with New Jersey Bell. As of 7/03 not regulated.								
NM <sup>26</sup>	yes	yes	no	no	no	\$250	15 - 30 Days	yes	no
NV <sup>27</sup>	yes	no	no	no	no	\$200	2 Months	yes	no
NY	yes	yes	no	no	no	\$0	3 Months	yes	no
OH	yes	yes	no	no	no	\$0	1 Month	yes	no
OK <sup>28</sup>	yes	yes	no	no	no	\$35	2 Months	yes	no
OR	yes	no	no	no	no	\$0	2 Months	no	no
PA	yes	yes	no	no	no	\$250	3 Months <sup>29</sup>	yes	yes
RI	Registration	yes	no	no	no	\$250	1 Month	yes	yes
SC <sup>30</sup>	yes	yes	no	yes	recommend	\$0	5-8 Months	yes	no
SD	yes	yes	No <sup>31</sup>	no	no	\$250	3 Months	yes	yes

<sup>24</sup> Debit cards are not regulated in North Carolina.

<sup>25</sup> Switched-based resellers must file tariff and attend hearing.

<sup>26</sup> Rules effective 4/29/96 ask for audited monthly financial statements. May file internal financials without audit.

<sup>27</sup> Must have good financial statements and/or strong telcom experience. Bond required for debit cards.

<sup>28</sup> Must publish notices in two newspapers on two consecutive weeks.

<sup>29</sup> When you receive your letter from the Commission accepting the filing, you may offer service.

<sup>30</sup> Must publish legal notices in four newspapers. Bond required for debit cards.

<sup>31</sup> While not required with your application, may be required in response to data request. Must sell above cost.

STATE	CERTIFICATION	TARIFF	COST SUPPORT	ATTEND HEARING	ATTORNEY	FILING FEES	TIME ESTIMATE	CERTIFICATE OF FOREIGN CORP <sup>1</sup>	REGISTERED AGENT <sup>2</sup>
TN <sup>32</sup>	yes	Price list <sup>33</sup>	no	no	no	\$50	4 Months	yes	no
TX	Registration <sup>34</sup>	yes/no <sup>35</sup>	no	no	no	\$0	1 Day	no	no
UT	As of 9/03, not regulated. No regulation pending.								
VA	As of 9/03, not regulated. No regulation pending.								
VT <sup>36</sup>	yes	yes	no	no	no	\$0	4 Months	yes	yes
WA <sup>37</sup>	Registration	yes	no	no	no	\$0	2 Months	no	yes
WI	yes	no	no	no	no	\$250	3 Months	yes	no
WV <sup>38</sup>	yes	yes	no	no	no	\$300	5 Months	yes	no
WY	Registration	yes	no	no	no	\$15	1 Day	yes	yes
F. C. C.	Interstate	No	maybe <sup>39</sup>	No	No	\$860 <sup>40</sup>	1 Day	N/A	N/A
	Int'l	Yes	maybe <sup>41</sup>	No	No		30 Days <sup>42</sup>	N/A	N/A

<sup>32</sup> Must post a \$20,000 surety bond.

<sup>33</sup> The reseller is not required to maintain price list/tariff at the Commission. However, reseller must be able to provide Commission a current price list within ten days of a request.

<sup>34</sup> Must register in state within 30 days of beginning Texas operations.

<sup>35</sup> Although a tariff is not required, a reseller must file a price list and the description of services. Permissible tariff filing allowed.

<sup>36</sup> Must publish notices in two newspapers. Bond required for debit cards.

<sup>37</sup> Staff taking close look at financial statements. Debit cards require bond.

<sup>38</sup> Must publish notice of filing in 19 newspapers designated by the PSC.

<sup>39</sup> Permissive for non-presubscribed services i.e. dial around & prepaid calling cards.

<sup>40</sup> Filing fee of \$815 for the 214 petition. Filing fee for each tariff filing is \$655. The interstate and international tariffs may be filed together or separately.

<sup>41</sup> Permissive for non-presubscribed services i.e. dial around & prepaid calling cards AS OF January, 2002.

<sup>42</sup> 214 Petitions are generally processed within two weeks of submission and put on public notice. The petition is effective 15 days after publication. Tariff is effective on 1 day notice.