

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. P-100, SUB 165  
DOCKET NO. P-100, SUB 165a  
DOCKET NO. P-75, SUB 82  
DOCKET NO. P-76, SUB 71  
DOCKET NO. P-60, SUB 89  
DOCKET NO. P-21, SUB 78

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100, SUB 165

In the Matter of  
Implementation of Subsection (h) Price  
Plans Pursuant to House Bill 1180, Session  
Law 2009-238 and House Bill 466, Session  
Law 2010-173

DOCKET NO. P-100, SUB 165a

In the Matter of  
Implementation of Price Plans Pursuant to  
Senate Bill 343, Session Law 2011-52

DOCKET NO. P-75, SUB 82

DOCKET NO. P-76, SUB 71

DOCKET NO. P-60, SUB 89

DOCKET NO. P-21, SUB 78

In The Matter of  
Petition for Exemption of Incumbent Local  
Exchange Companies from the Application of  
N.C. Gen. Stat. § 62-160 and 161 and  
Amendment to Commission Rule R1-16

ORDER GRANTING PETITION  
AND AMENDING COMMISSION  
RULE R1-16(a)

BY THE COMMISSION: On April 1, 2019, Barnardsville Telephone Company, Saluda Mountain Telephone Company, Service Telephone Company, and Ellerbe Telephone Company (Petitioners) filed a Petition requesting that the Commission exempt any local exchange company (LEC) that has elected regulation pursuant to N.C. Gen. Stat. § 62-133.5(h) or (m) from the application of the requirements set forth in N.C. Gen. Stat. § 62-160 and 161 and amend Commission Rule R1-16 as shown in the Petition.

The Petitioners stated that the Public Staff had authorized them to state that the Public Staff supports the Petition.

On April 24, 2019, the Commission issued an Order allowing any interested party to file comments on the Petition on or before May 8, 2019. Appendix A attached to that Order showed the requested amendments to Commission Rule R1-16(a).

No party filed comments.

### CONCLUSION

After careful consideration of the Petition, the lack of opposition to the request, and the entire record in these proceedings, the Commission concludes that it is appropriate to grant the Petition and that the requirements regarding financing in N.C. Gen. Stat. § 62-160 and 161 should not be enforceable for any LEC that has elected regulation pursuant to N.C. Gen. Stat. § 62-133.5(h) or (m). Further, the Commission concludes that Commission Rule R1-16(a) should be amended as shown in Appendix A to this Order and as amended in Appendix B to this Order.

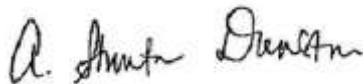
IT IS, THEREFORE, ORDERED that:

1. A LEC that has elected regulation pursuant to N.C. Gen. Stat. § 62-133.5(h) or (m) is hereby exempt from the provisions of N.C. Gen. Stat. § 62-160 and 161; and
2. Commission Rule R1-16(a) is hereby amended and attached to this Order as Appendix B, effective as of the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 14<sup>th</sup> day of May, 2019.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston".

A. Shonta Dunston, Deputy Clerk

## APPENDIX A

### Redlined Version of Rule R1-16(a)

(a) No public utility except Payphone Service Providers, Competing Local Providers, and utilities providing only intraLATA long distance service, interLATA long distance service and/or long distance operator service, and local exchange carriers that have elected regulation pursuant to G.S. § 62-133.5(h) or (m) shall pledge its assets, issue securities, or assume liabilities of the character specified in G.S. 62 161, except after application to and approval by the Commission. Such applications shall be made under oath, filed with the Commission with twenty (20) copies, and shall contain the following specific information:

## **APPENDIX B**

### **Amended Rule R1-16(a)**

(a) No public utility except Payphone Service Providers, Competing Local Providers, and utilities providing only intraLATA long distance service, interLATA long distance service and/or long distance operator service, and local exchange carriers that have elected regulation pursuant to G.S. § 62-133.5(h) or (m) shall pledge its assets, issue securities, or assume liabilities of the character specified in G.S. 62 161, except after application to and approval by the Commission. Such applications shall be made under oath, filed with the Commission with twenty (20) copies, and shall contain the following specific information: