**Section 791.200 Aggregate Revenue Test for Competitive Services**

a) The competitive services of a carrier that provides both competitive and noncompetitive services shall provide revenues which equal or exceed the sum of the following:

1) The sum of the LRSICs of all competitive services, less the LRSICs of noncompetitive tariffed elements that are imputed into the costs of those services;

2) The sum of the imputed costs of the noncompetitive tariffed elements that are inputs to competitive services; and

3) The common costs that are to be allocated to competitive services pursuant to the relative LRSIC method. The portion of common costs that shall be recovered by competitive services in the aggregate shall be equal to the ratio of the amount in subsection (a)(3)(A) to the amount in subsection (a)(3)(B):

A) The sum of the LRSICs of all competitive services, less the LRSICs of noncompetitive tariffed elements that are imputed into the costs of these services; and

B) The sum of the LRSICs of all noncompetitive and competitive services of the carrier.

b) The aggregate revenue test shall be provided in the following proceedings:

1) In any proceeding approving, implementing, or evaluating an alternative form of regulation under Section 13-506.1 of the Act;

2) In a general rate case;

3) In a proceeding involving the introduction of a new competitive telecommunications service;

4) In a proceeding to reclassify a non-competitive telecommunications service to competitive;

5) Notwithstanding the provisions of subsections (b)(1), (2), (3), and (4) of this Section, and upon good cause shown, the aggregate revenue test shall be provided, upon motion of a party and order of the Hearing Examiner, in any other proceeding approving, investigating or establishing rates, charges, classifications or tariffs for telecommunications services offered by a telecommunications service provider that provides both competitive and non-competitive services. Any motion requesting an aggregate revenue test shall be filed within 30 days after the docketing of the underlying proceeding. Responses to such motions shall be filed within 14 days after the filing of the motion. Failure to file the motion within 30 days after the docketing of the proceeding shall be an independent ground for denying the motion. Failure to file responses within 14 days after the filing of the motion shall be an independent ground for granting the motion. Factors to be considered in determining the propriety of granting such a motion shall include but not be limited to:

A) The length of time elapsed since the LEC last filed an aggregate revenue test;

B) The revenues projected to be generated by the service or services under consideration compared with total company service revenues;

C) The number of competitive and non-competitive services currently being offered by the LEC; and

D) The cost associated with performing the aggregate revenue test.

c) The carrier may file a petition pursuant to 83 Ill. Adm. Code 200 for a waiver of the requirement to use the methodology required by subsection (a)(3) to apportion costs common to the provision of both competitive and noncompetitive services. The waiver shall be granted within 90 days after the filing of a petition for waiver if the carrier can demonstrate that using the methodology required by subsection (a)(3) would be cost prohibitive or, in accordance with subsection (b)(3), would prevent a carrier from offering the new competitive service. To comply with Section 13-507 requiring a telecommunications carrier providing both competitive and noncompetitive services to recover the aggregate LRSICs of its competitive services plus a proper and reasonable apportionment of common costs, a substitute allocator is required. The burden of proving the reasonableness of a substitute common cost allocation methodology shall be upon its proponent. The Commission reserves the right to authorize the use of superior methodologies apportioning common costs should they arise.

d) For a carrier seeking approval of an alternative regulatory plan under Section 13-506.1 of the Act, the Commission shall make a finding of, or adopt a methodology for determining, the amount to be allocated for purposes of subsection (a)(3) in any order approving an alternative regulatory plan.

e) In lieu of preparing an LRSIC study, the carrier may provide alternative cost data. Nothing in this subsection shall relieve carriers from the requirements of Section 13-507 of the Act.

(Source: Amended at 36 Ill. Reg. 15094, effective October 1, 2012)