**Section 733.105 Application of Waiver Standards**

a) In determining whether the requested waiver is necessary to avoid a significant adverse economic impact on users of telecommunications services generally, the factors which may be considered by the Commission include, but are not limited to, the following:

1) the impact on the quality of telecommunications services provided by the ILEC to users of telecommunications services;

2) the impact on the rates of telecommunications services provided by the ILEC to users of telecommunications services;

3) the impact on the availability of existing and new telecommunications services provided by the ILEC to users of telecommunications services;

b) In determining whether the requested waiver is necessary to avoid imposing a requirement that is unduly economically burdensome, the factors which may be considered by the Commission include, but are not limited to, the following:

1) the ability of the ILEC to attract capital on its Illinois jurisdictional investment or to raise capital on reasonable terms;

2) the impact on the ILEC's ability to compete in Illinois telecommunications markets;

3) the impact on the ILEC's ability to innovate.

c) In determining whether the requested waiver is necessary to avoid imposing a requirement that is technically infeasible, the factors which may be considered by the Commission include, but are not limited to, the following:

1) limits of available technology;

2) impacts on network reliability;

3) public health and safety;

4) the impact on the ILEC's telecommunications network design, interoperability, and architecture;

5) equipment safety.

d) For purposes of subsection (c), a determination of technical infeasibility does not include consideration of economic, accounting, billing, space, or site concerns, except that space and site concerns may be considered in circumstances where there is no possibility of expanding the space available.

e) In determining whether the requested waiver is necessary to avoid imposing a requirement that is otherwise impractical to implement in exchange with low population density, the factors which may be considered by the Commission include, but are not limited to, the following:

1) the estimated demand for advanced services in each exchange;

2) the exchange population density measured by customers per square mile, access lines per square mile, or other relevant measures;

3) the distribution of customers or access lines within the exchange;

4) the availability of advanced telecommunications services from other providers.