

- (1) Total operating expense;
- (2) Depreciation expense;
- (3) Amortization expense; and
- (4) Operating other taxes.

(h) As part of the "Jurisdictional Separations Report" the ILEC shall include a Schedule SR-6 Federal Income Tax and State Income Tax Calculation, providing a break out of taxes for total NH operations to:

- (1) Interstate operations, including:
 - a. Messages switched access;
 - b. Total private line services and special access; and
 - c. A total of 1. and 2. above; and
- (2) Intrastate Operations; including:
 - a. Messages;
 - b. Private lines;
 - c. Extended area services;
 - d. Local residential, business, and other lines; and
 - e. A total of 1 through 4 above.

(i) The ILEC shall attach supporting work papers for cost study and separation results of NH operations to include:

- (1) Revenue requirement summary;
- (2) Summary of net telephone plant, material and supplies and cash working capital;
- (3) Other telecommunications plant;
- (4) Central office equipment separations;
- (5) Information on origination or termination and cable and wire facility separations;
- (6) Other telephone plant and deferred charges;
- (7) Accumulated depreciation and amortization separations;
- (8) Summary of operating expense and tax;
- (9) Plant specific operating expense separations;
- (10) _____
- (10) Plant nonspecific operating expense separations;
- (11) Development of allocation ratios; and
- (12) Allocation factors.

(j) The authorized representative of the ILEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 429.08 Form ILEC-21 Report of Customer Troubles.

(a) On the "Report of Customer Troubles" required by Puc 411.06(d) the ILEC shall include:

(1) The ILEC's legal name;

(2) The trade name the ILEC uses with its customers;

(3) The ILEC's FEIN;

(4) Contact information for the person responsible for the information on the form, to include:

a. The name and title;

b. The mailing address;

c. The telephone and fax numbers; and

d. Email address;

(5) The printed name and title of the signatory;

(6) The month and year that is the subject of the report;

(7) The number of trouble reports made to the utility during the month;

(8) The number of troubles reported for which the utility was responsible;

(9) The number of troubles referred to another carrier for corrective action such as to an interexchange carrier;

(10) The total number of ILEC access lines in service for the month being reported; and

(11) The number of customer trouble reports per 100 access lines of the utility.

(b) The authorized representative of the ILEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 429.09 Form ILEC-22 Monthly Financial Report.

(a) On the "Monthly Financial Report" required by Puc 415.03(b) the ILEC shall include:

(1) The ILEC's legal name;

- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory; and
- (6) The month and year that is the subject of the report.

(b) As part of the "Monthly Financial Report" the ILEC shall include a summary of substantial changes and events impacting financial operation, on Schedule MR-1, Important Changes During the Quarter.

(c) As part of the "Monthly Financial Report" the ILEC shall include a summary of earnings, investment and return, on Schedule MR-2, Rolling 12 Months Intrastate Basis; with 12 months year to date amounts for:

- (1) Earnings;
- (2) Interest charged to construction;
- (3) Adjusted earnings;
- (4) Averages for the most recent 12 months ended for:
 - a. Investment;
 - b. Account 2003 Telecommunications Plant Under Construction-Short Term balance and Account 2004 Telecommunications Plant Under Construction-Long Term balance;
 - c. Account 2002 Property Held for Future Telecommunications Use balance; and
 - d. ~~d.~~—Account 4340 Net Non-current Deferred Operating Income Deferred Operating Income Taxes balance and Account 4350 Net Non-current Deferred Non-operating Income Taxes balance;
- (5) Calculated amounts for:
 - a. Investment;
 - b. Return on investment; and
- (6) Authorized return on investment.

(d) As part of the "Monthly Financial Report" the ILEC shall include a Schedule MR-3, Earnings Statement, showing current month amounts for combined operations and intrastate operations.

(e) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-4, Year to Date Earnings Statement, showing year-to-date amounts for combined operations and intrastate operations;

(f) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-5, Earnings

Statement, showing amounts for 12 months ending for combined operations and intrastate operations;

(g) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-6, Summary of Investment showing:

- (1) Average amounts for investments in on combined operations and intrastate operations;
- (2) Average twelve months ended investment on combined operations and intrastate operations.

(h) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-7, Capital Structure, listing amounts, percentages, cost rates, and weighted cost rates for:

- (1) Long term debt;
- (2) Preferred stock; and
- (3) Common equity

(i) As part of the "Monthly Financial Report" the ILEC shall include a Schedule MR-8, Embedded Cost of Long-Term Debt listing:

- (1) Series;
- (2) Rate;
- (3) Issue date;
- (4) Maturity date;
- (5) Type;
- (6) Long-term maturities;
- (7) Current maturities;
- (8) Premium or discount;
- ~~(9)~~
- (9) Unamortized issuance expense;
- (10) Net proceeds;
- (11) Yield to maturity cost rate; and
- (12) Annual effective cost.

(j) As part of the "Monthly Financial Report" the ILEC shall include a Schedule MR-9, Detail of Accounts, listing marketing and customer services and expense of operations for:

- (1) Current month combined and intrastate amounts;
- (2) Twelve months ended combined and intrastate amounts;
- (3) Current month intrastate to combined percentage; and
- (4) Twelve months ended intrastate to combined percentage.

(k) As part of the "Monthly Financial Report" the ILEC shall include a Schedule MR-10, Balance Sheet, listing:

- (1) Plant accounts;
- (2) Capital leases and leasehold improvements;
- (3) Intangibles;
- (4) Accumulated depreciation and amortization; and
- (5) Each item in a through d above shall include:
 - a. Current month balance;
 - b. Change over prior month;
 - c. Change since December 31 of the prior year; and
 - d. Percentage increase over December 31 of the prior year.

(l) As part of the "Monthly Financial Report" the ILEC shall include a Schedule MR-11 Revenue Trial Balance by interstate, intrastate and nonregulated; showing by account:

- (1) Current month revenue for:
 - a. Interstate;
 - b. Intrastate;
 - c. Non regulated; and
 - d. Total;

- (2) Year-to-date amounts for:

- e. ~~a.~~ Interstate;
- ~~f.~~—
- ~~b.f.~~ Intrastate;
- ~~e.g.~~ Non regulated; and
- ~~d.h.~~ Total.

(m) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-12 Income Statement showing by account, amounts for:

- (1) Current month;
- (2) Increase over last month;
- (3) Year-to-date; and
- (4) Changes and percentages for:
 - a. Current month from prior month; and
 - b. Current year-to-date from prior year-to-date.

(n) The authorized representative of the ILEC shall:

- (1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 429.10 Form ILEC-23 Quarterly Financial Report:

(a) On the "Quarterly Financial Report" required by Puc 415.02 the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory;
- (6) The quarter and year that is the subject of the report.

(b) As part of the "Quarterly Financial Report" the ILEC shall include a Schedule QR-1 Balance Sheet listing for each asset, liability, and equity account, the amounts for:

- (1) The current quarter;
- (2) The prior year equivalent quarter; and
- (3) The prior year account balance as of December 31.

(c) As part of the "Quarterly Financial Report" the ILEC shall include a Schedule QR-2 Income Statement summarizing, for each operating revenue and expense account, the amounts for:

- (1) The current quarter;
- (2) The prior year quarter;
- (3) The difference between current quarter over prior year quarter;
- (4) The percentage change between current quarter over quarter of prior year;
- (5) The current year-to-date balance;
- (6) The prior year-to-date balance;
- (7) The difference between current year to date over prior year-to-date; and
- (8) The percentage change between current year-to-date over prior year-to-date.

(d) As part of the "Quarterly Financial Report" the ILEC shall include a Schedule QR-3 Statement of

~~Retained Earnings reconciling the change in retained earnings balance from the beginning of the quarter to the end of the quarter and providing for each:~~

- ~~(1) A description of account activity;~~
- ~~(2) Beginning and ending balances; and~~
- ~~(3) Increases and decreases during the quarter.~~

~~(e) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 429.11 Form ILEC-30 Utility Accident Report.

(a) On the "Utility Accident Report" required by Puc 411.08(d) the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;
- (3) ~~(3)~~ The ILEC's FEIN;
- (4) ~~(4)~~ Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) ~~(5)~~ The printed name and title of the signatory;
- (6) ~~(6)~~ A designation as to whether the report is a 10 day report, a supplemental report, a negative report or a quarterly report; and
- (7) ~~(7)~~ The report number and date of the report.

(b) The ILEC shall report information regarding reportable accidents including:

- (1) The date of the accident;
- (2) The location of the accident;
- (3) An indication of whether the accident resulted in a significant service outage;
- (4) A description of the cause of the accident;
- (5) A description of the extent of any property damage;

- (6) The name of any injured person;
- (7) The injured person's relationship to the utility, if any;
- (8) A description of the nature of injuries;
- (9) An indication of whether any injury was fatal;
- (10) The date of death of any person, if applicable;
- (11) A previous report number, if applicable;
- (12) An indication of whether the accident involved electric contact;
- (13) An indication of whether any pole involved in the accident was licensed and properly located; and
- (14) An indication of whether any pole anchor involved in the accident was licensed and properly located.

(c) In the event the ILEC answers negatively to (b) (13) or (14) above, the ILEC shall provide:

- (1) ~~(1)~~ A copy of the relevant pole license; and
- (2) A diagram showing the locations of the pole or anchor(s) as they are licensed and as they are actually located.

(d) The ILEC shall attach the following:

- (1) A diagram of the accident;
- (2) A police report of the accident, if available; and
- (3) A doctor's report on any injured person, if available.

(e) The authorized representative of the ILEC shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 429.12 Form ILEC-31 Petition for Authority to Issue Securities.

~~(a) On the "Petition for Authority to Issue Securities" required by Puc 415.04(a)(3) the ILEC shall include:~~

- ~~(1) The ILEC's legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~
- ~~(3) The ILEC's FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:~~

- a. ~~The name and title;~~
- b. ~~The mailing address;~~
- c. ~~The telephone and fax numbers; and~~
- d. ~~Email address;~~

(5) ~~The printed name and title of the signatory; and~~

(6) ~~A list of attached exhibits, as described in (c) below.~~

(b) ~~The ILEC shall attach to Form ILEC-31 the following items:~~

(1) ~~A petition for authority to issue securities including:~~

- a. ~~A description of authorized and outstanding long-term debt and capital stock;~~
- b. ~~The amount of short-term notes outstanding;~~
- c. ~~A description of new securities;~~

d. ~~A description of what proceeds will be used for; and~~

e. ~~The petitioner's prayer asking for the relief requested.~~

(2) ~~A statement in reasonable detail of any proposed additions, construction or working capital requirements together with any proposed construction budget;~~

(3) ~~Testimony by a qualified person that:~~

- a. ~~Explains the purpose of the financing;~~
- b. ~~Shows the affect of the financing on the company's financial rating(s);~~
- c. ~~Provides the proposed method of issuance and sale of the securities; and~~
- d. ~~Indicates how the financing will be consistent with the public good, pursuant to RSA 369:1.~~

(c) ~~The ILEC shall include the following exhibits:~~

(1) ~~Exhibit 1, "Authorized and Outstanding Long-Term Debt," detailing each of the company's long-term debts in tabular format, with the following for each:~~

- a. ~~The type of debt;~~
- b. ~~If applicable, the coupon rate;~~
- c. ~~Issue and maturity dates;~~
- d. ~~Amount outstanding; and~~
- e. ~~If applicable, call prices on the start date and end date of the issue period of the proposed financing.~~

(2) ~~Exhibit 2, "Authorized and Outstanding Capital Stock," providing a description of each type of outstanding stock;~~

~~(3) Exhibit 3, "Capital Expenditures," listing for the entire company and for New Hampshire:~~

- ~~a. A breakdown of capital expenditures made during the most recent calendar; and~~
- ~~b. An estimate of capital expenditures for the current calendar year.~~

~~(4) Exhibit 4, "Estimated Cost of Financing," listing each cost associated with issuing the securities;~~

~~(5) Exhibit 5, "Proforma Balance Sheet," providing a balance sheet for the most recent calendar year, adjusted for the affects of the proposed financing, with columns showing:~~

- ~~a. Balance sheet amounts for the most recent year;~~
- ~~b. Proforma adjustments resulting from the proposed financing; and~~
- ~~c. Totals of the balance sheet amounts and the proforma adjustments in b. above.~~

~~(6) Exhibit 6, "Proforma Income Statement," providing an income statement for the most recent calendar year, adjusted for the affects of the proposed financing, with columns showing:~~

- ~~a. Income statement amounts for the most recent year;~~
- ~~b. Proforma adjustments resulting from the proposed financing; and~~
- ~~c. Totals of the income statement amounts and the proforma adjustments in 0 above.~~

~~(7) Exhibit 7, "Proforma Adjustments to Balance Sheet and Income Statement," listing proforma adjustments to the balance sheets and income statements of each calendar year that the proposed securities could be issued:~~

~~(8) Exhibit 8, "Source and Application of Funds and Capitalization" showing for the most recent calendar year:~~

- ~~a. Cash flows from operations, investing activities, and financing activities, adjusted for the affects of the proposed financing; and~~
- ~~b. A schedule of the company's capital structure that includes the affects of the proposed financing.~~

~~(9) Exhibit 9, "Terms and Conditions of Proposed Securities," listing the terms and conditions of each proposed security;~~

~~(10) If applicable, Exhibit 10, "Purchase and Sale Agreement and Commitment Letter," containing copies of:~~

- ~~a. Purchase and sale agreement(s) associated with the financing; and~~
- ~~b. Letter(s) of commitment from lender(s) that the company is approved for the financing; and~~

~~(11) If applicable, Exhibit 11, "Proposed Promissory Note and/or Mortgage" providing a copy of any promissory note or mortgage agreement associated with the financing.~~

~~(d) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that:~~

- ~~a. The information on the form is true and correct to the best of the individual's knowledge and~~

belief, subject to the penalty for making unsworn false statements under RSA 641:3; and

b. ~~The petitioner utility company believes and, therefore, alleges that the securities to be issued will be consistent with the public good and that it is entitled to issue said securities under RSA 369 for the purposes set forth in its petition.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 429.13 Form ILEC-32 Report of Proposed Fixed Capital Expenditures.

~~(a) On the "Report of Proposed Fixed Capital Expenditures" required by Puc 415.04(a)(4) the ILEC shall include:~~

- ~~(1) The ILEC's legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~
- ~~(3) The ILEC's FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~
- ~~(5) The printed name and title of the signatory;~~
- ~~(6) The year that is the subject of the report;~~
- ~~(7) The date of the report;~~
- ~~(8) The report and sheet number;~~
- ~~(9) The item number;~~
- ~~(10) The location of the proposed expenditure;~~
- ~~(11) A description of the proposed addition, extension or capital improvement;~~
- ~~(12) The estimated start and finish dates of construction; and~~
- ~~(13) The estimated cost of each element of the proposed addition.~~

~~(b) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter

Puc 429.14 Form ILEC-33 Report of Proposed Changes in Depreciation Rates.

(a) On the "Report of Proposed Changes in Depreciation Rates" required by Puc 415.04(a)(5) the ILEC shall include:

- (1) The ILEC's legal name;
 - (2) The trade name the ILEC uses with its customers;
 - (3) The ILEC's FEIN;
 - (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
 - (5) The printed name and title of the signatory;
 - (6) The date;
 - (7) The account number and title;
 - (8) The estimated life, both present and proposed, in years;
 - (9) The net salvage, both present and proposed, in percentages;
 - (10) The depreciation rate, both present and proposed, by percentage;
 - (11) The net annual change in dollars; and
 - (12) The justification.
- (b) The ILEC shall attach any supporting documentation.
- (c) The authorized representative of the ILEC shall:
- (1) Sign and date the form; and
 - (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 429.15 Form ILEC-38 Service Outage Report.

(a) On the "Service Outage Report" required by Puc 411.07 the ILEC shall include:

- (1) The ILEC's legal name;

- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - ~~a.~~
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory;
- (6) The report number;
- (7) The date;
- (8) The date and time of the outage;
- (9) The location of the outage;
- (10) Whether an entire exchange was affected;
- (11) The number of affected access lines;
- (12) The cause of the outage;
- (13) The date and time service was restored;
- (14) The name of the person contacted at the commission; and
- (15) The date and time the commission was contacted.

~~(15)~~ (b) The authorized representative of the ILEC shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 430 ~~COMPETITIVE-EXCEPTED~~ LOCAL EXCHANGE CARRIERS (~~EC~~LECS)

Puc 430.01 Purpose. The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for ~~CLECELECs~~ in order to enable ~~CLECELECs~~ to provide competitive telecommunications services and to comply with relevant statutes and commission orders.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 430.02 Application of Rules.

- (a) ~~CLECELECs~~ shall comply with the provisions of Puc 430 through 449.

(b) In addition to (a) above, the following commission rules shall apply to all CLECELECs:

(1) Puc 102, relative to definition of terms;

(2) Puc 200, procedural rules;

~~(3)~~

(3) Puc 402, relative to definitions of terms; and

(4) Puc 800, underground utility damage protection program; and

Puc 1200, uniform administration of utility customer relations.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 430.03 Definitions.

~~(a) "Advance billing" means billing an end user such that the payment for a service would be due before the service is provided. Advance billing does not apply to pre-payment of installation charges.~~

~~(b) "Facilities-based CLEC" means a CLEC which owns, controls, operates, or manages conduits, ducts, poles, wires, cables, instruments, switches, appurtenances or other plant or equipment in connection with or to facilitate local telecommunications.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 431 CLECELEC REGULATORY REQUIREMENTS

Puc 431.01 Registration.

(a) No person or entity shall install or offer local exchange service in New Hampshire unless and until that person or entity is registered as an CLECELEC.

(b) Before commencing operations as a CLECELEC in New Hampshire the entity proposing to provide CLECELEC service shall register with the commission and receive its CLECELEC Authorization Number.

~~a.~~ (c) To register with the commission a CLECELEC shall file:

~~b.~~ (1) ~~A~~ (1) a completed Form CLECELEC-10 Application for Registration, described in Puc 449.07, ~~which including the following attachments:~~

~~c.~~ A a completed Form CLECELEC-1 Contact Information;

~~Evidence of a surety bond pursuant to Puc 431.04 if applicable;~~

~~A completed Form CLEC-11 Intent to Use Uniform Tariff, if the CLEC wishes to use the uniform tariff pursuant to Puc 431.05; and~~

~~A rate schedule pursuant to Puc 431.06.~~

(2) In addition to the preceding requirements, an applicant seeking to provide service within the local exchange service territory of an Exempt ILEC shall also certify and provide evidence that it:

(A) will provide basic service, as defined in Section Puc 402.05, on a timely basis throughout the local exchange service territory of the Exempt ILEC to all customers making a reasonable request for service, either using its own facilities or a combination of its own facilities and resale of another carrier's services; and

(B) will not at any time oppose any commission request to the Federal Communications Commission, pursuant to 47 U.S.C. § 251(h)(2), that the applicant be treated as the ILEC within the local exchange service territory of an Exempt ILEC.

(d) Unless the commission denies an application for CLECELEC registration pursuant to Puc 431.02, it shall issue a CLECELEC authorization number which authorizes the applicant to provide competitive local exchange service in the requested territory ~~of non-exempt ILECs~~.

(e) An CLECELEC authorized prior to the effective date of these rules shall use the commission's order number granting it authority to operate as a CLECELEC as its authorization number.

(f) Any authorization number obtained by an CLECELEC under this part shall be non-transferable.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 431.02 Denial of Registration.

(a) The commission shall deny an application for registration if it determines that the applicant or its general partners, corporate officers, director of the company, limited liability company managers or officers:

(1) Have committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 431.19;

(2) Have, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;

(3) Knowingly made a material false statement of fact in the application;

(4) Demonstrated on its application such flagrant or repeated violations of the requirements to operate as a utility or a competitive carrier in other state(s) that the commission determines that it is not in the public good to allow registration; and/or

~~(4)(5)~~ Regarding an applicant to provide service in the local exchange service territory of an Exempt ILEC, failed to demonstrate that the applicant has the technical, managerial and financial qualifications to meet its commitments pursuant to Section Puc 431(c)(2).

(b) In determining whether to deny an application for registration, the commission shall consider whether the crime or act referred to in (a) above is substantially related to the qualifications, functions or duties required to provide CLECELEC services.

(c) In the event that the commission denies an application for registration, the applicant may, within 30 days, file a request for reconsideration.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 431.03 Withdrawal of Application or Authorization.

(a) An CLECELEC may withdraw its application and authorization prior to serving customers in New Hampshire so long as the CLECELEC has no outstanding obligations to any New Hampshire end user.

(b) An CLECELEC wishing to withdraw shall file Form CLECELEC-35 Withdrawal of Application or Authorization, described in Puc 449.13.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 431.04 Surety Bond.

~~When a CLEC collects advance billing or deposits, it shall have on file with the commission proof of a surety bond in the amount estimated to cover outstanding deposits and advance billing collected during the calendar year.~~

~~The surety bond shall be updated annually concurrent with the CLEC's annual report.~~

~~The surety bond shall be from a surety company authorized to conduct business in New Hampshire.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 431.05 Uniform Tariff.

~~A CLEC which elects to use the uniform tariff shall do so by submitting Form CLEC-11 Intent to Use Uniform Tariff, described in Puc 449.08.~~

~~A CLEC which elects to use the uniform tariff shall not file the actual text of the uniform tariff with the commission but shall simply adopt its terms.~~

~~A CLEC which uses the uniform tariff shall not alter or rearrange the content of the uniform tariff in any way.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 431.06 Rate Schedule.

~~(a) A CLEC shall file a rate schedule with the commission, using Form CLEC-25 Rate Schedule Cover Sheet, described in Puc 449.10.~~

~~(b) Any rate schedule filed pursuant to (a) above, shall not include any terms, conditions or limitations of liability.~~

~~(c) If a CLEC chooses to establish terms, conditions and limitations of liability different from the uniform tariff, it shall do so through individual contracts with its customers.~~

~~(d) A CLEC shall not include any provisions in its rate schedule(s) which are inconsistent with applicable commission rules or statutory requirements.~~

~~(e) As to any rate schedule filed with the commission by a CLEC:~~

~~The commission shall maintain the CLEC's rate schedule(s) on file for informational purposes only;~~

~~The filing of a rate schedule shall not create a presumption that the commission has either reviewed or approved the rates; and~~

~~The commission shall presume the rates are just and reasonable unless and until a complaint is raised by any person affected by the change, at which time the rate schedule(s) shall be subject to review.~~

~~(f) A CLEC shall file its complete rate schedule biennially, in each even-numbered year.~~

~~(g) The commission shall accept rate schedules filed in an electronic format that is compatible with the commission's electronic filing capability.~~

~~(h) In the event that terms, conditions or limitations on liability are included in a rate schedule filed with the commission, such terms, conditions and limitations on liability shall have no effect.~~

~~(i) A CLEC with rate schedules or tariffs on file with the commission on the effective date of these rules~~

~~shall have until March 31, 2006, to bring existing rate schedules or tariffs into compliance with this section.~~

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 431.047 Access Rates. An CLECELEC shall not charge intercarrier compensation rates for access greater than those charged by the ILEC.

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 431.08 Changes in Prices and Services.~~

~~(a) A CLEC shall notify the commission of any proposed change in prices or services offered by filing an amended Form CLEC-25 Rate Schedule Cover Sheet, including only the rate sheet(s) revised by the change, at least one day in advance of the proposed effective date of any of the following:~~

~~The introduction of a new service offering;~~

~~The deletion of an existing service offering;~~

~~A price change; or~~

~~Any change to the name, description, or other aspect of an existing service.~~

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 431.09 Annual Report.~~

~~A CLEC shall file Form CLEC-3 Annual Report, described in Puc 449.04, each year, regardless of whether it has initiated operations or has any operating revenues in New Hampshire.~~

~~A CLEC which is also a CTP shall file one combined annual report covering the operation of both entities.~~

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 431.0510 Assessment.~~

(a) An CLECELEC shall file Form CLECELEC-2 Assessment Report, described in Puc 449.03, annually.

(b) An CLECELEC which is also a CTP shall file one combined assessment report covering the operation of both entities.

(c) The commission shall assess an CLECELEC pursuant to RSA 363-A:2.

(d) An CLECELEC shall remit such assessment to the commission, pursuant to RSA 363-A:4.

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 431.0611 Contact Information. An CLECELEC shall file Form CLECELEC-1 Contact Information, described in Puc 449.02, both annually and within 30 days of any change of the information on the "Contact Information" form.

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Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 431.0712 Conditions of Operation.

(a) A CLECELEC shall exercise its CLECELEC authorization by providing telecommunications service to at least one ~~retail~~-customer no later than 2 years from the date of issuance, or forfeit its CLECELEC authorization pursuant to Puc 431.13.

(b) An CLECELEC shall file Form CLECELEC-12 Initiation of Operations, described in Puc 449.09, when the CLECELEC first acquires and provides service to an end user in New Hampshire.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

~~—— Puc 431.13 Forfeiture of Authorization.~~

~~—— A CLEC failing to file an annual report for 2 successive years shall, after notice and opportunity for a hearing, forfeit its authority to operate.~~

~~—— A CLEC filing an annual report which indicates no activity in New Hampshire for 2 successive years following its registration shall, after notice from the commission, forfeit its authority to operate.~~

~~—— A CLEC forfeiting its authorization under this section shall discontinue operations pursuant to Puc 431.14.~~

~~—— Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~—— Puc 431.14 Discontinuance of Operations.~~

~~—— (a) A CLEC who has commenced operations in New Hampshire shall, at least 10 days prior to the migration period required by (c) below, notify the commission of its intent to cease operations by filing:~~

~~—— A Form CLEC-34 Discontinuance of Operations, described in Puc 449.12; and~~

~~—— A copy of its notice to customers as required by (b) below.~~

~~—— (b) A CLEC who has commenced operations in New Hampshire shall, at least 10 days prior to the migration period required by (c) below, notify its customers, pursuant to Puc 432.04, of cessation of operations, such notification to include:~~

~~—— Notice that the CLEC shall discontinue providing its services to the customer;~~

~~—— Instructions for migration to an alternative carrier; and~~

~~—— The time period, which shall not be less than the migration period set out in (c) below, within which the customer shall make a selection of a new local exchange carrier.~~

~~—— (c) A CLEC may only cease operations following a customer migration period, which shall be at least:~~

~~—— 30 days for providers of resale services;~~

~~—— 30 days for any carrier with fewer than 500 customers;~~

~~—— NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES~~

~~—— 45 days for UNE-P providers with more than 500 customers; or~~

~~—— 60 days for all other carriers.~~

~~—— (d) A CLEC shall refund to its customers any applicable amounts owed prior to cessation of operations.~~

~~—— (e) A CLEC shall satisfy its outstanding obligations to other LECs for New Hampshire services.~~

~~—— (f) The commission shall post on its website a list of CLECs who have filed a "Discontinuance of Operations."~~

~~—— (g) The commission shall approve a CLEC's request to cease operations upon finding that the CLEC has made adequate provisions for discontinuance of operations, pursuant to (a) through (f) above.~~

~~—— (h) An ILEC providing wholesale services to a CLEC may petition the commission to initiate an involuntary discontinuance of operations against the CLEC when the CLEC's undisputed balance for wholesale services is more than 45 days past due.~~

~~—— (i) No later than 10 days after ceasing operations, a CLEC shall provide to the commission:~~

~~—— A sworn statement that the CLEC has ceased providing service to all its New Hampshire customers; and~~

~~—— Evidence that all the CLEC's customers have been sent refunds of any and all deposits or advance billing that might be owed them.~~

~~—— (j) The commission shall relieve the CLEC of its surety bond requirement upon the timely completion of the requirements of this section.~~

~~—— (k) When the commission determines that a CLEC has not made adequate provisions for notifying its customers pursuant to (b) above the CLEC shall provide to the commission a list of the names and addresses of the end users affected by the termination.~~

~~—— (l) When the commission determines that a CLEC has not made adequate provisions for satisfying its outstanding obligations pursuant to (d) and (e) above, the commission shall disperse the CLEC's surety bond to refund all monies owed to New Hampshire end users.~~

~~—— (m) Nothing in (l) above shall prevent any third party from exercising any rights it may have against the CLEC, whether under contract, at law, or in equity.~~

~~—— Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~—— Puc 431.15 Notice of Bankruptcy. A CLEC filing for bankruptcy shall notify the commission in writing when it files for bankruptcy within 1 business day following its filing with the bankruptcy court.~~

~~—— Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~—— Puc 431.16 Quality of Service Information Required.~~

~~—— (a) A CLEC shall file Form CLEC-4 Quality of Service Report, described in Puc 449.05, annually.~~

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~~—— A CLEC shall file Form CLEC-5 Quality of Service Report Card, described in Puc 449.06, annually.~~

~~—— The "Quality of Service Report Card" shall be made available for public information.~~

~~—— Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~—— Puc 431.17 Service Outages.~~

~~—— (a) A CLEC shall report significant service outages to the extent known, pursuant to Puc 402.49, by calling the commission within the following time frames:~~

~~—— For outages which occur between 7:00 a.m. and 4:30 p.m. during normal business hours, Monday through Friday, within 60 minutes of occurrence; and~~

~~—— For outages which occur during non-business hours, by 9:00 a.m. on the business day following the outage.~~

~~—— Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~—— Puc 431.18 Accident Notifications.~~

~~—— A CLEC shall notify the commission of reportable accidents within the state of New Hampshire in connection with its facilities, property or service.~~

~~—— In the event of a significant accident pursuant to Puc 402.48, the CLEC shall notify the commission by telephone as follows:~~

~~—— (1) During regular commission hours:~~

~~—— The CLEC shall contact the telecommunications division commission representative listed on the accident notification roster, pursuant to Puc 402.01, at the commission telephone number provided;~~

~~—— If the telecommunications division representative is unavailable, the CLEC shall work sequentially through the accident notification roster until it speaks directly with one of the commission representatives listed therein;~~

~~—— (2) Outside of regular commission hours:~~

~~—— a. The CLEC shall call the commission general telephone listing provided in the accident notification roster and leave a voice mail message:~~

~~—— Identifying the CLEC and the name and telephone number of the individual attempting to report; and~~

~~—— Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and~~

~~—— b. The CLEC shall attempt to contact a commission representative listed on the accident notification roster, pursuant to Puc 402.01, at the after-hours telephone number provided, starting with the telecommunications division commission representative, and working~~

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~~—— sequentially through the list until the CLEC speaks directly with one of the commission representatives listed therein;~~

~~—— (3) The CLEC shall provide the commission with the following information:~~

~~—— a. The name of the CLEC;~~

~~—— b. The name of the person making the report and the telephone number at which they can be reached;~~

~~—— c. A brief description of the accident or event and location;~~

~~—— d. The time at which:~~

~~—— The accident or event occurred; and~~

- ~~— The CLEC was first notified of the accident or event;~~
- ~~— e. A description of any fatalities, personal injuries and damages; and~~
- ~~— f. Any other information relevant to the cause of the accident and the extent of the damages; and~~
- ~~— (4) Notification of a significant accident shall not be complete until a CLEC's representative:~~
 - ~~— Speaks to a commission representative listed on the accident notification roster; and~~
 - ~~— Communicates to the commission representative the information required by (b) (3) above.~~
- ~~— (c) For all other reportable accidents, pursuant to Puc 402.46, a CLEC shall notify the commission by telephone during regular business hours as outlined in (b) (1) above:~~
 - ~~— On the day of the accident or event, if possible; or~~
 - ~~— On the next business day.~~
- ~~— (d) In addition to notifying the commission, a CLEC shall file Form CLEC-30 Utility Accident Report, described in Puc 449.11, for each reportable accident within 10 business days of the accident.~~
- ~~— (e) A CLEC shall submit a supplemental Form CLEC-30 Utility Accident Report, referencing the original "Utility Accident Report" within 60 days of notification of the accident or event.~~
- ~~— (f) The supplemental accident report referred to in (e) above shall include any applicable supporting documentation not provided in the original report.~~
- ~~— (g) If the CLEC is unable to speak to a commission representative outside of regular commission hours, the CLEC shall, as soon as possible on the next business day, contact the commission as outlined in (b)(1) above.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 431.0819 Violation of Rules.

- (a) If, after notice and opportunity to be heard the commission determines that good cause exists, it shall issue an order:
- (1) Revoking or, suspending, ~~modifying or imposing conditions upon~~ its ~~CLECELEC~~ authorization;
 - (2) Imposing fines or penalties, pursuant to ~~RSA 365:41~~, RSA 374:28-a, II ~~or~~ 2 RSA 378:46 or a combination thereof; or
 - (3) ~~Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or~~
 - ~~(4)(3)~~ (3) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.
- (b) For the purposes of this section, good cause shall include but not be limited to the following actions by a ~~CLECELEC~~:
- (1) ~~Conducting business in an unfair or deceptive manner;~~
 - ~~(2)(1)~~ (2) Consistent or flagrant violation of applicable statutes, commission rules or commission orders;
 - ~~(3)(2)~~ (3) Slamming, in violation of RSA 374:28-a;

~~(4)(3)~~ Cramming, in violation of RSA 378:46; or

~~Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.~~

(c) The commission shall determine which consequences set forth in (a) above are most applicable after considering:

(1) The nature of the infraction; and

(2) The severity of the infraction; and

~~(3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 432 ECLEC CUSTOMER RELATIONS

~~Puc 432.01 Provision of Basic Service.~~

~~(a) A CLEC shall, directly or indirectly, make available to its customers all of the following as part of basic service:~~

~~Safe and reliable single-party voice service;~~

~~The ability to receive all non-collect calls, at telephone lines capable of receiving calls, without additional charge;~~

~~The ability to complete calls within the state to any other telephone line capable of receiving calls;~~

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~~(4) The opportunity to presubscribe to interLATA toll carriers;~~

~~(5) The opportunity to presubscribe to intraLATA toll carriers;~~

~~(6) Dialing parity;~~

~~(7) Number portability;~~

~~(8) Enhanced 911, pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;~~

~~(9) Access to statewide directory assistance;~~

~~(10) Telecommunications Relay Service (TRS), pursuant to Puc 432.02 below;~~

~~(11) A white pages directory listing;~~

~~(12) A non-electronic telephone directory;~~

~~(13) A caller identification blocking option, on a per-call basis;~~

~~(14) A caller identification line blocking option that:~~

~~Is available to all customers without a recurring charge;~~

~~Is provided upon customer request without charge to customers who have elected non-published telephone numbers;~~

~~Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and~~

~~Is available without a non-recurring charge when requested with installation of basic service;~~

~~(15) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;~~

~~(16) The ability to report service problems to the customer's basic service provider on a 24 hour basis, 7 days a week; and~~

~~(17) Automatic Number Identification (ANI) to other carriers which accurately identifies the telephone number of the calling party.~~

~~(b) A CLEC shall make its services available on a nondiscriminatory basis to all similarly situated customers within their operating area.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.012 Telecommunications Relay Service.

(a) A CLECELECs that provide access to TRS may collect TRS charges in the amount ordered by the commission in monthly basic service charges;

(b) A CLECELEC shall remit the required TRS charges per customer ordered by the commission, on or before the 20th day of each month, to the TRS trustee account designated by the commission.

(c) A CLECELEC shall provide the New Hampshire relay provider with all information necessary to ensure local calls placed through the TRS are not billed as toll calls and that toll calls placed through the TRS are not treated as local calls.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.023 E911 Surcharge.

(a) A CLECELEC shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.

(b) A CLECELEC shall remit monthly the amount collected pursuant to (a) above

to the: Department of Safety
Bureau of Emergency Communications
33 Hazen Drive
Concord, New Hampshire, 03305.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.04 CLEC Notices to Customers.

~~(a) Unless otherwise specified, any notice to customers required by these rules shall:~~

~~(1) Include the company name and relevant contact telephone number;~~

~~(2) Be provided:~~

~~In a separate mailing;~~

~~As a bill insert; or~~

By clear and conspicuous notice printed on the customer's bill; and

- (3) Be sent separately from communications that would otherwise include only promotional materials;
- (b) Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically;
- (c) Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.05 Bill Forms.

Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.

Each bill shall show all factors as are necessary, so that the charges may be readily understood from the information appearing on the bill.

- (c) Each bill shall indicate the following:

(1) The date of the current bill;

(2) For those utilities which charge interest and/or late charges after the due date:

The due date, as defined in Puc 402.15; and

Any applicable penalty approved in the utility's tariff or rate schedule, as applicable;

(3) Any applicable discount;

(4) The charges;

(5) The toll-free customer service telephone number of the utility;

(6) A statement directing customers to contact the utility regarding bill questions; and

(7) A statement that customer may call the commission for further assistance after first attempting to resolve disputes with the utility;

(d) All payments made at an authorized payment agency of the utility shall be credited to the customer's account and posted effective the date payment is rendered to the authorized payment agency;

(e) Bills shall be delivered:

Via US postal service; or

Via an electronic billing system when offered by the utility and elected by the customer.

(f) Each utility shall maintain and make available to the commission upon request an accurate account of all utility charges for service billed to each customer and shall maintain records showing the information from which each bill may be readily computed.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.06 Application of Payments. If a CL EC provides that customers may pay bills to an authorized payment agent, pursuant to Puc 402.03, of the CL EC, the CL EC shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agent.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.07 Notice to Customers of Changes in Rates.

Prior to the effective date of any rate increase, a CLEC shall notify all affected customers of the rate increase pursuant to Puc 432.04, except if and to the extent that a contract between the customer and the CLEC permits increases in rates over the contract term.

The notice required in (a) above shall include:

The new rate;

The effective date of the rate increase; and

A statement that the customer has 30 days to discontinue the service without incurring the rate increase.

In order for a change in the price of an existing CLEC service to become effective, a CLEC shall file the changed rate with the commission at least one day before the new rate's proposed effective date.

A customer may, at any time up to and including 30 days following the written notice in (a) above, request discontinuation of the relevant service

The customer discontinuing the service pursuant to (d) above shall automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.038 Slamming Prohibited.

(a) A CLECELEC shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds a CLECELEC has switched a subscriber's selection of carrier without authorization, the CLECELEC shall be subject to an administrative fine, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a,II.

(c) For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission shall issue an order pursuant to Puc 431.19.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.049 Cramming Prohibited.

(a) A CLECELEC shall not engage in cramming.

(b) If, after notice and opportunity for hearing, the commission finds a CLECELEC has engaged in cramming, the CLECELEC shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.10 Directories.

In the event of an error in the name or address listing of any customer, a CLEC shall include such customer's correct name, address and telephone number in the files and applicable databases of the information operator and shall furnish this information to every caller upon request.

Whenever any customer's telephone number is changed due to error of the carrier after a directory is published, and until a new directory is issued, unless the customer requests otherwise, a CLEC shall:
Intercept, if possible, all calls to the former number for a period of no fewer than ninety days and give the calling party the new number for that customer;
Maintain the correct number in its directory assistance listings; and

Furnish the correct number to any caller upon request.

~~(c) In case of an error or omission in the white page directory listing for which the customer is charged, a CLEC shall provide an adjustment of the total charges for such listing.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 432.11 Publication of Telephone Numbers.~~

~~A CLEC shall not publish or list numbers for which a customer or other LEC requests non-directory-listed or non-published status.~~

~~Customers who request non-published telephone numbers shall be informed by a CLEC, at the time of the request, that the caller identification line blocking option is available at no additional charge.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 432.12 Confidentiality Requirements.~~

~~(a) A CLEC shall treat all communications between customers as confidential unless, and to the extent authorized by the commission, or state or federal law.~~

~~(b) No CLEC operators, employees or agents shall, except when a technical necessity exists:~~

~~Listen to any telephone conversation between customers; or~~

~~Monitor the content of non-voice communication such as data.~~

~~(c) Employees, including operators and agents of a CLEC, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the CLEC, unless, and to the extent, authorized by the commission or by state or federal law.~~

~~(d) A CLEC shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 432.13 Exit Fees.~~

~~(a) A CLEC shall not charge retail customers any exit fees.~~

~~(b) Exit fees shall not include:~~

~~Contractual obligations; or~~

~~Termination fees for early termination of services purchased under a term agreement.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 432.14 Disconnection of Service.~~

~~(a) A utility may require, pursuant to Puc 1203.10, that a residential customer shall:~~

~~Give notice of up to 4 business days of his intention to discontinue service; and~~

~~Be responsible for all charges until expiration of such notice period.~~

~~(b) Except as provided for in Puc 432.15, a utility may provide notice of disconnection of service, pursuant to Puc 432.16, to a residential customer, and may subsequently disconnect such service in conformance with this section, only if:~~

~~The customer has failed to pay any bill or deposit request, not disputed in good faith, within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07;~~

~~The customer has failed to abide by the terms of a payment arrangement entered into pursuant to Puc 1203.07;~~

~~The customer has failed to pay the bill for service or enter into a payment arrangement for the bill for service on or before the due date printed on the bill; or~~

~~The customer refuses access to his premises for a necessary inspection of utility property.~~

~~(c) When a customer has received a disconnection notice pursuant to (b) above, the utility may require payment at less than monthly intervals in lieu of disconnection or upon reconnection without deposit.~~

~~(d) If service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.~~

~~(e) A utility may disconnect service to a residential customer without notice only if:~~

~~(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;~~

~~(2) A customer or resident in the customer's household has participated in or created the following:~~

~~Fraudulent use or procurement of the utility service; or~~

~~Tampering with the connections or other equipment of the utility; or~~

~~(3) The customer has:~~

~~Clearly abandoned the premises; or~~

~~Failed to abide by the terms of a payment arrangement, of which the customer has previously received notice, entered into pursuant to Puc 1203.07.~~

~~(f) A utility shall not disconnect a customer if:~~

~~(1) The customer's unpaid bill for regulated services is less than \$25.00, unless it includes an arrearage in whole or in part outstanding for more than 60 days;~~

~~The customer's unpaid bill results from charges for unregulated services including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales;~~

~~The utility bills for service in advance and the service has not yet been provided; or~~

~~The utility has, within the preceding 60 days, received notification, in accordance with (g) below, from a licensed physician or mental health practitioner as defined in RSA 330-A:2, VII that a medical emergency exists at the location or would result from the disconnection.~~

~~(g) In order to avoid disconnection pursuant to (f)(4) above, a licensed physician's or mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:~~

The initial notification may be made by the physician or mental health practitioner by telephone and shall be deemed valid for 7 days;

The certification shall continue in force if a licensed physician or mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and

Written certification shall be renewable every 60 days as necessary provided that the customer enters into and complies with the terms of a payment arrangement pursuant to Puc 1203.07.

(h) A utility which intends to terminate service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to (g)(3) above, shall notify the commission no fewer than 5 business days prior to termination.

Source. #8348, eff. 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.15 Disconnection of Service to Lifeline Telephone Assistance Customers.

Except as provided in (b) below, the basic service of customers receiving benefits under the federal Lifeline Telephone Assistance program shall not be disconnected for failure to pay any portion of the bill associated with the provision of toll service.

For customers receiving benefits under the federal Lifeline Telephone Assistance program and subscribing to a bundled service option, basic service may be disconnected in accordance with Puc 432.14.

A utility shall provide notice of disconnection of basic service, pursuant to Puc 432.16, to a residential customer receiving benefits under the federal Lifeline Telephone Assistance program, and may subsequently disconnect such service if:

The customer has failed to pay any undisputed bill for basic service or undisputed basic service deposit request within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07 for the arrearage resulting from the provision of basic service or the basic service deposit request; The customer has failed to pay for an arrearage resulting from the provision of basic service according to the terms of a payment arrangement for an arrearage resulting from the provision of basic service entered into pursuant to Puc 1203.07;

The customer has failed to pay the bill for basic service or enter into a payment arrangement for utility bill for basic services on or before the due date printed on the bill; or

The customer refuses access to his premises for a necessary inspection of utility property.

(d) For the purposes of this section, allowed basic service charges shall include any charge or fee that would be levied if the customer only ordered basic service including but not limited to E911 charges, state and federal taxes, charges for directory assistance provided by the local exchange carrier, charges for non-published numbers and non-listed numbers, and optional regulated services, excluding toll service, to which the customer subscribes.

(e) If basic service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.

(f) A utility may disconnect basic service to a residential customer without notice only if:

(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;

(2) A customer or resident in the customer's household has participated in or created the following:

~~Fraudulent use or procurement of the utility service; or~~

~~Tampering with the connections or other equipment of the utility; or~~

~~(3) The customer has:~~

~~Clearly abandoned the premises; or~~

~~Failed to abide by the terms of a payment arrangement for the provision of basic service entered into pursuant to Puc 1203.07.~~

~~(g) A utility shall not disconnect a customer's basic service if:~~

~~The customer's unpaid bill for basic services is less than \$25.00, unless it includes an arrearage for the provision of basic service which is in whole or in part outstanding for more than 60 days;~~

~~The customer's unpaid bill results from charges for unregulated services other than basic service including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales;~~

~~The utility bills for service in advance and the service has not yet been provided; or~~

~~The utility has, within the preceding 60 days, received notification, in accordance with (h) below, from a licensed physician or mental health practitioner that a medical emergency exists at the location or would result from the disconnection.~~

~~(h) In order to avoid disconnection pursuant to (g)(4) above, a licensed physician's or mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:~~

~~The initial notification may be made by the physician or mental health practitioner by telephone and shall be deemed valid for 7 days;~~

~~The certification shall continue in force if a licensed physician or mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and~~

~~Written certification shall be renewable every 60 days as necessary.~~

~~The physician's or mental health practitioner's certification of medical emergency described in (h) above shall be sufficient to retain basic service provided the customer enters into and complies with the terms of a payment arrangement for arrearages incurred for the provision of basic service pursuant to Puc 1203.07.~~

~~A utility which intends to disconnect the basic service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to 1203.07, shall notify the commission no fewer than 5 business days prior to termination.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 432.16 Notice of Disconnection.

~~(a) A utility shall not, except as specified in Puc 432.14(e), disconnect the service of any customer unless the utility sends the customer written notice of the utility's intention to disconnect, mailed at least 14 days in advance of the date of the proposed disconnection.~~

~~(b) A utility shall not mail the disconnect notice referred to in (a) above to the customer fewer than 30 days from the bill date.~~

~~(c) The utility may disconnect service on a disconnect date scheduled pursuant to this section, unless the bill for service is paid or arrangements to pay the bill are made prior to disconnection.~~

~~(d) Unless otherwise requested by the customer, a utility shall only disconnect service to its residential customers between 8:00 am and 3:00 pm eastern time.~~

~~(e) Unless otherwise requested by the customer, utilities shall not disconnect service to residential customers during the hours specified in (d) above if the disconnection would occur on:~~

~~A state or federal holiday;~~

~~The day preceding a state or federal holiday;~~

~~A day the commission is closed to the public; or~~

~~The day preceding a day the commission is closed to the public.~~

~~(f) Before disconnecting, the utility shall attempt to notify an adult occupant of the premises by telephone.~~

~~(g) If a utility employee or agent visits the premises to disconnect, that employee shall notify an adult occupant of the premises or, if no adult is at the premises, leave a note as to how the customer may be reconnected.~~

~~(h) If the utility sends an employee to the customer's premises for the purpose of disconnecting service and the customer tenders payment in full of the bill to prevent disconnection, the employee shall:~~

~~Either accept payment, give a receipt and leave the service connected; or~~

~~Without disconnecting, direct the customer to go immediately to the utility's nearest office and tender payment there.~~

~~(i) The employee or agent visiting the customer's residence for purpose of effecting disconnection, as provided in (h) above, shall know the full amount to be paid but shall not be required to make change or negotiate payment arrangements.~~

~~(j) The utility shall be required to follow the procedures outlined in (g), (h) and (i) above on any specific customer account no more than twice in any 12 month period.~~

~~(k) A utility may conduct a disconnection at times other than those permitted pursuant to (d) and (e) above if:~~

~~The customer has agreed to arrangements to disconnect; or~~

~~The utility must enter the premises to disconnect service and the utility has access to the premises only during times other than those permitted by (d) and (e) above.~~

~~(l) Upon the request of the commission, every utility shall report to the commission the annual number of disconnect notices sent out and the number of actual disconnections for non-payment.~~

~~(m) Any disconnect notice which a utility sends to a customer pursuant to this section shall set forth in clear, concise and conspicuously printed words, the following information:~~

~~The name and mailing address of the customer;~~

~~The account number;~~

~~The date scheduled for disconnection of service;~~

~~The reason for the disconnection of service including the overdue amount;~~

~~The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;~~

~~The address and telephone number at which the customer may contact the utility;~~

~~The toll free telephone number of the commission's consumer affairs division, which is: 1-800-852-3793;~~

~~The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice—Your Rights"; and~~

~~Any additional data which the utility deems pertinent.~~

~~(n) When the disconnect notice described in (m) above includes charges in the overdue amount for non-regulated services including but not limited to telephone directory advertising, telephone equipment, or internet connectivity charges, the notice shall also:~~

~~(1) Separately list the amount due for regulated services; and~~

~~(2) Include the following statement: "Your telephone can be disconnected if you do not pay your usage charges for telephone service. Your telephone service cannot be disconnected for nonpayment of other charges such as internet connectivity, telephone directory advertising, or telephone equipment charges."~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 432.17 Disconnection Conferences with Customer.

~~(a) At the request of a customer, a utility shall provide the customer with the opportunity for a conference with the utility if the request is made prior to the proposed date of disconnection of service specified in the disconnect notice.~~

~~(b) If a customer contacts the utility on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the utility.~~

~~(c) If a customer contacts the utility either 1 or 2 days prior to the scheduled disconnection date requesting a conference, the utility shall schedule a conference no later than 3 business days after the request.~~

~~(d) If the customer contacts the utility as provided in (a) and (c) above and schedules a conference, the utility shall not disconnect service until the utility has notified the customer of the outcome of the conference.~~

~~(e) The conference may be conducted in person or by telephone.~~

~~(f) During the conference if the customer and the utility cannot agree on a resolution, the utility shall inform the customer of the customer's right to request a conference with the commission staff.~~

~~(g) In order to request a conference with the commission staff, a customer shall:~~

~~(1) Make the request with the commission's consumer affairs division before the later of:~~

~~The scheduled disconnection date; or~~

~~The fifth business day following utility notification to the customer of the outcome of the utility's conference with the customer; and~~

~~(2) Make the request to the commission's consumer affairs division in writing, in person, or by telephone.~~

~~(h) Each utility shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.~~

~~(i) Upon the customer's request for a conference with the commission staff pursuant to (g) above:~~

~~The commission staff shall notify the utility of the customer's timely made request;~~

~~The utility shall forward to the commission's consumer affairs division a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference along with any~~

other information the commission staff may request; and

~~The utility shall not disconnect service until the commission notifies the utility of the outcome of the commission staff's conference with the customer.~~

~~(j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the utility shall continue service to the customer until such time as the commission determines whether disconnection is justified.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.18 Disconnection of Service to Non-residential Customers.

~~(a) For customer-initiated disconnections of service, a utility may require that a non-residential customer shall:~~

~~Give 4 business days notice to the utility of the customer's intention to discontinue service; and~~

~~Be responsible for all charges until expiration of the notice period referred to in (1) above.~~

~~(b) For all other disconnections of service, a utility shall, before disconnecting the service of a nonresidential customer, provide written notice of disconnection no fewer than 5 days prior to the scheduled date of disconnection.~~

~~(c) A utility may disconnect the service of a non-residential customer when:~~

~~The customer has failed to pay any undisputed bill for basic service or undisputed deposit request within 30 days from the bill date;~~

~~The customer has violated a provision of the utility's approved tariff or a commission rule; or~~

~~The customer refuses access to his premises for a necessary inspection of utility property.~~

~~(d) Unless otherwise requested by the customer, utilities shall only disconnect service to its nonresidential customers between 8:00 am and 3:00 pm eastern time;~~

~~(e) Unless otherwise requested by the customer, utilities shall not disconnect service to nonresidential customers during the hours specified in (d) above if the disconnection would occur on:~~

~~A state or federal holiday;~~

~~The day preceding a state or federal holiday;~~

~~A day the commission is closed to the public; or~~

~~The day preceding a day the commission is closed to the public.~~

~~(f) A utility may disconnect a non-residential customer without giving the notice required in (a) above, in the following events:~~

~~(1) A customer has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger; or~~

~~(2) When the utility determines that the customer has engaged in fraudulent use of its telephone service.~~

~~If service is discontinued for non-payment, the utility may make a charge for reconnection in accordance with the utility's approved tariff or rate schedule.~~

~~A utility shall send written notice of disconnection to a non-residential customer, except as provided in (f) above, which shall include:~~

~~The name and mailing address of the customer;~~

~~The account number;~~

~~The date scheduled for disconnection of service;~~

~~The reason for the disconnection of service including the overdue amount;~~

~~The possible consequences of disconnection, such as deposit requirement, reconnection fee, and other similar consequences;~~

~~The address and telephone number at which the customer may contact the utility;~~

~~The toll-free telephone number of the commission's consumer affairs division;~~

~~The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; and~~

~~Any additional data which the utility deems pertinent.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 432.19 Disconnection of Associated Services.~~

~~(a) A utility may disconnect a residential customer's associated service, pursuant to Puc 402.02, for an arrearage resulting from the provision of service on the residential customer's other telephone line(s) and a non-residential customer's associated service for an arrearage resulting from the provision of service on the non-residential customer's other telephone line(s), provided that the utility complies with the disconnection requirements of this section, if the utility:~~

~~(1) Provides a statement to the customer on the disconnection notice:~~

~~Conspicuously notifying the customer that disconnection of an associated service may occur as a result of an event for which disconnection could occur at the customer's other telephone line(s); and~~

~~Clearly and conspicuously stating that the associated service that may be disconnected; and~~

~~(2) Provides terms and conditions in its approved tariff for disconnection based on associated services.~~

~~(b) Notwithstanding the provisions of 432.14(d), no utility shall charge for reconnection of an associated service.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 432.20 Application of Payments for Customers Participating in the Lifeline Telephone Assistance Program:

~~For residential customers subscribing to basic service, the payment shall be applied to past due charges for basic first, past due charges for toll second, current charges for basic third, and current charges for toll fourth.~~

~~For residential customers subscribing to a bundled service, the payments shall be applied to the past due charges for bundled service first, and current charges for bundled service second.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 433 CLEC EQUIPMENT AND FACILITIES

Puc 433.01 Construction, Installation and Maintenance of Physical Plant:

~~A facilities-based CLEC shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2002 edition, and the National Electric Code as adopted by RSA 155-A:1, IV.~~

~~A facilities-based CLEC shall construct, install and maintain its plant, structures, equipment and lines to prevent interference with service furnished by other carriers and by other public service facilities, such as~~

cable TV, fire alarm, electric, water, sewer, gas or steam facilities.

~~A facilities-based CLEC shall periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 433.02 Restoration of Service. When a customer's telephone service is reported or found to be out of order or degraded, the CLEC shall take action to restore the service as promptly as possible.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 433.03 Emergency Operations:~~

~~(a) A facilities-based CLEC shall make reasonable provisions to meet emergencies resulting from any of the following:~~

~~Failures of commercial power service;~~

~~Sudden and prolonged increases in traffic;~~

~~Illness, strike or labor unrest of employees;~~

~~Failure of a supplier to deliver materials or supplies;~~

~~Civil unrest; or~~

~~(6) Any other significant disasters, including, but not limited to, fire, storms, floods, or other "acts of God"~~

causing loss of communication to a large population or area of the state to the extent that the magnitude or duration is foreseeable.

A facilities-based CLEC shall establish plans and procedures and issue instructions to its employees and agents to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telephone service.

The preparations required by (b) above shall include plans and procedures for operations under extreme, severe or adverse conditions, such as natural disasters, strike, labor unrest, civil unrest or supplier disruption.

The plans and procedures established under (c) above, shall be made available to the commission, on a confidential basis, upon request.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 433.04 Safety Instructions.

A facilities-based CLEC shall adopt instructions for the safety of employees and agents.

A facilities-based CLEC shall institute practices and programs to ensure that such employees and agents have been properly informed of safe practices and are cognizant of all hazards involved.

A facilities-based CLEC shall instruct its employees engaged in line construction, where pole facilities are used jointly with an electric utility, in the practice and use of accepted rules for resuscitation from electric shock.

A facilities-based CLEC shall provide copies of procedures developed pursuant to this section to each such employee or agent.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

~~Puc 433.05 Commission Inspections. A CLEC shall allow and assist the commission when it shall, from time to time, inspect the works and system of each CLEC and the manner in which the CLEC has conformed to statutes, rules and orders.~~

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 433.06 Quality of Service Standards.~~

~~(a) A facilities-based CLEC shall provide sufficient capacity and equipment to meet the following minimum requirements during any normal busy hour:~~

~~Dial tone shall be provided within 3 seconds on at least 98% of telephone calls; and~~

~~Complete dialing of called numbers shall occur, without encountering a busy condition within the intra-CLEC interoffice trunks, on at least 97% of all attempted calls.~~

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

PART Puc 434 CLECELEC REPORTS AND FILINGS

Puc 434.01 One-Time Filings Required for Prospective and New CLECELECs.

(a) A CLECELEC shall file Form CLECELEC-10 Application for Registration when it is applying to provide service in New Hampshire.

~~(b) A CLEC shall file Form CLEC-11 Intent to Use Uniform Tariff when it elects to adopt the uniform tariff pursuant to Puc 431.05.~~

~~(c)(b)~~ A CLECELEC shall file Form CLECELEC-12 Initiation of Operations when it serves its first revenue-producing customer in New Hampshire.

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 434.02 Biennial Reports. A CLEC shall file a complete rate schedule, using Form CLEC-25 Rate Sheet Cover Sheet, biennially on or before March 31 of each even-numbered year.~~

~~Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 434.03 Annual Reports.~~

~~Unless otherwise specified in this part, reports filed annually shall be due on or before March 31 of each year, and shall cover the most recent calendar year.~~

~~A CLEC shall file the following commission reports annually:~~

~~Form CLEC-1 Contact Information, as described in Puc 449.02;~~

~~Form CLEC-2 Assessment Report, as described in Puc 449.03;~~

~~Form CLEC-3 Annual Report, as described in Puc 449.04;~~

~~Form CLEC-4 Quality of Service Report, as described in Puc 449.05; and~~

~~Form CLEC-5 Quality of Service Report Card, as described in Puc 449.06.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 434.024 Other Reports.

(a) Unless otherwise specified in these rules, a CLECELEC shall file the following reports with the commission within thirty days of the event that necessitates the filing:

- (1) A Form CLECELEC-1 Contact Information, with respect to any changes in the information on the CLECELEC's most recently filed "Contact Information;"

~~A Form CLEC-30 Utility Accident Report, on the occurrence of a reportable accident pursuant to 431.18 (d) and (e) within 10 and 60 days of the accident;~~

~~A Form CLEC-34 Discontinuance of Operations, when a CLEC intends to discontinue its operations pursuant to 431.14;~~

~~A Form CLEC-35 Withdrawal of Application or Authorization, when a CLEC seeks to withdraw its application for registration, or withdraw its authorization to provide service, in the instance where it has no customers in the state, pursuant to Puc 431.03;~~

~~A Form CLEC-36 Transfer of Customer Base, when a CLEC is transferring its customer base to another entity, pursuant to Puc 441.02;~~

~~A Form CLEC-37 Change in Ownership, when a CLEC is undergoing a change in ownership, pursuant to Puc 441.03; and~~

~~A Form CLEC-40 CLEC FX Eligibility Report, described in Puc 449.16, when a CLEC becomes eligible to provide CLEC-FX service in an exchange.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 434.035 Submitting Reports and Forms.

(a) A CLECELEC shall submit all required reports and forms to the commission by the following methods:

- (1) Mail or other delivery to:

New Hampshire Public Utilities
Commission 21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or

- (2) Electronic report filing as the commission shall provide on the commission website.

(b) A CLECELEC making an electronic filing pursuant to (a)(2) above must comply with Puc 202.08 regarding filing requirements.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 434.06 Confidential Treatment. A CLEC which seeks confidential treatment of any of the reports required by this section shall do so pursuant to RSA 378:43.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 435 CLEC RECORDS

Puc 435.01 Preservation of Records.

A CLEC shall preserve all records required by Puc 200 and 400 for a period of 2 years unless a stricter requirement is specified in these rules.

Records shall be available for examination in New Hampshire by the commission during business hours.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 436 CLEC OPERATOR SERVICES Puc 436.01 Provision of Service.

(a) A CLEC that provides operator services shall orally identify itself by name prior to the connection of the telephone call.

(b) A CLEC that provides operator services shall provide the following information immediately, audibly and distinctly to the telephone user, upon request and at no charge:

(1) Sufficient information to enable the customer to determine the total cost of the call that will be billed by or on behalf of the CLEC, including:

The per minute rate;

Any and all surcharges; and

Any other charge associated with the call, excluding taxes; and

(2) The methods by which complaints concerning such rates, charges or collection practices will be resolved.

(c) A CLEC that provides operator services shall instruct telephone users that they may obtain applicable rate and surcharge quotations required by (b) above, either by:

Dialing no more than 2 digits; or

Remaining on the line.

(d) A CLEC that provides operator services shall permit the telephone user to terminate the telephone call before the commencement of any charges.

(e) Where a CLEC provides operator services that allow third party calls, the CLEC shall:

Require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred; and

Require its operators to obtain such verification prior to allowing the third-party customer to be billed.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 437 CLECELEC INTERCARRIER OBLIGATIONS

Puc 437.01 Intercompany Cooperation.

(a) An CLECELEC shall cooperate with all carriers to produce a ubiquitous and seamless telecommunications network in New Hampshire.

(b) For the purpose of (a) above, a “seamless telecommunications” network means one in which customers do not perceive any transition from one carrier to the next.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437.02 Switching and Signaling Obligations.

~~(a) A CLEC shall provide answer and disconnect supervision in accordance with industry standards.~~

~~(b) A CLEC shall deliver to its customer the following kinds of calls unless screened or blocked at the customer's request:~~

~~Collect calls; and~~

~~Third party calls.~~

(c) An CLECELEC shall provide reasonable access to all signaling information pursuant to industry protocols.

(d) An CLECELEC shall not interfere with the transmission of signaling information.

(e) An CLECELEC shall protect Customer Proprietary Network Information (CPNI) at least to the level required by FCC regulations.

~~(f) A CLEC shall communicate, on a demand and preventative basis, information regarding maintenance necessary to ensure successful call completion.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437.03 Trouble Reporting and Resolution Obligations.

~~(a) A CLEC shall accept and respond to repair requests, trouble reports and service orders in a nondiscriminatory manner without regard to whether the service is retail or wholesale, or being resold or migrated.~~

~~(b) A CLEC that receives a trouble report from its customer and determines that the trouble is not on its network shall coordinate the trouble in a timely manner as follows:~~

~~The carrier providing the customer's local exchange service, that is, dial tone, shall accept, report and coordinate the resolution of troubles that involve interruption of service; and~~

~~The carrier receiving a trouble report from its customer regarding the non-completion of an outgoing call shall accept, report and coordinate the resolution of that trouble.~~

~~(c) A CLEC shall rectify any customer troubles in a prompt and nondiscriminatory manner.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437.034 Rights of Way. An CLECELEC shall provide access to any pole, duct, conduit or right of way owned or controlled by the CLECELEC in accordance with the Telecommunications Act of 1996.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437. ~~045~~ Exchange of Billing Name and Address Information.

(a) A CLECELEC shall provide billing name and address data to other carriers for billing and collection.

(b) A CLECELEC that charges a fee for providing billing name and address information shall do so in accordance with the applicable rate schedule or contractual arrangement.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437. ~~056~~ Carrier to Carrier Migrations.

(a) An CLECELEC shall not release confidential customer information, including customer usage data and customer payment information, without written authorization from the customer, unless otherwise required by law.

(b) An CLECELEC shall accept and respond to requests for customer information, service and feature information, migration and installation orders without regard to whether the service is being resold or migrated.

(c) When a CLECELEC receives an order to transfer, change or install a customer's service, it shall not, as a result of its receipt, market or otherwise initiate communications to retain or obtain the customer for a period of seven days following the completion by the carrier of the order to migrate a customer from its services to a competing carrier.

(d) An CLECELEC shall not market to retain a customer as a result of receiving a request for a customer service record.

(e) When acquiring a new customer, an CLECELEC shall schedule the events of a migration and notify the customer of the timing and impact of those events.

(f) When migrating end users, an CLECELEC shall work together in good faith with other carriers to minimize or avoid any problems, including, but not limited to, service interruptions and billing problems.

(g) When porting a customer's number, an CLECELEC shall release the number without delay or consideration of any issue such as the customer's account balance.

(h) An CLECELEC shall be responsible for building a port trigger in its telephone number translations at least 1 business day prior to a cutover.

(i) Upon notification of porting, an CLECELEC shall ensure that the port trigger will query the Number Portability Administration Center database every time a call is placed to the telephone number being cut over.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437.07 Intercompany Contact Information.

(a) ~~(a)~~ An CLECELEC shall provide and regularly maintain contact and escalation lists for network, interconnection and provisioning issues on a web page, if the CLECELEC maintains a website.

(b) Substantive changes to the location or content of the information provided in (a) above shall

be updated within 5 business days.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 437.08 Maintaining and Updating Databases.

(a) A CLEC shall maintain and update the following information in a timely and responsible manner:

Directory assistance;

The E911 database;

The toll-free 800 database;

The Line Information Database (LIDB); and

Other databases necessary for the provision of ubiquitous service.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 438 CLECELEC ACCESS TO RESALE

Puc 438.01 Availability of Resale. An CLECELEC that does not have an interconnection agreement may purchase services under the terms and conditions of a non-exempt ILEC's resale tariff pursuant to Puc 419.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 439 CLECELEC ACCESS TO UNBUNDLING

Puc 439.01 Availability of Unbundled Network Elements.

(a) An CLECELEC that does not have an interconnection agreement shall be permitted to purchase interconnection, services, or network elements under the terms and conditions of an ILEC's applicable wholesale tariff.

(b) An CLECELEC that can purchase a particular service or network element under its interconnection agreement, may not purchase the same particular service or network element from the ILEC's wholesale tariff.

(c) An CLECELEC shall release unused unbundled residential voice grade loop facilities within 5 working days of a request for termination of service from its residential customer.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 440 CLECELEC INTERCONNECTION

Puc 440.01 Terms and Conditions.

(a) An CLECELEC shall not be required to have physical collocation with the ILEC in order to achieve interconnection.

(b) An CLECELEC shall interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.

(c) When an CLECELEC enters into an agreement for interconnection, services, or network elements pursuant to the ~~Telecommunications Act of 1996~~ Act, 47 U.S.C. § 252, it shall file that agreement with the commission within 30 days.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 440.02 Network Changes.

(a) An CLECELEC interconnecting directly with a carrier shall provide citations to necessary technical references to LECs that will be interconnecting.

(b) Network changes made by an CLECELEC that affect direct interconnection shall be backwards compatible for 3 years from the introduction of the upgrade.

(c) At least 6 months prior to network changes affecting direct interconnection, an CLECELEC shall make available to other LECs any necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 440.03 Denial of Interconnection Requests.

(a) An CLECELEC may submit a request for interconnection at a technically feasible point not listed in Puc 421.01(a).

(b) An CLECELEC whose request for interconnection at a point not listed in Puc 421.01(a) is denied by an ILEC shall be permitted to petition the commission for a hearing as to whether the denial should be reversed.

(c) The commission shall reverse an ILEC's denial of a CLECELECs request for interconnection at a point not listed in Puc 421.01(a) unless the ILEC proves that interconnection at that point is not technically feasible.

(d) Previous successful interconnection at the particular point using particular facilities, or at substantially similar points in networks employing substantially similar facilities, shall constitute substantial evidence of technical feasibility for interconnection at a particular point.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 441 CLECELEC CORPORATE RESTRUCTURING

Puc 441.01 Prior Approval ~~Not Required~~.

(a) —

(a) An ~~CLECELEC~~ that is not an ILEC, pursuant to RSA 374:22-o, shall not be required to obtain prior approval from the commission for financing or corporate organizational changes including, but not limited to, the issuance or transfer of its securities or the sale, lease or other transfer of its assets.

(b) An ILEC that is operating as an ELEC shall be required to obtain prior approval from the commission to transfer its franchise, works or system in accordance with RSA 374:30, II.

— Notwithstanding (a) above, a CLEC failing to notify the commission and its customers regarding

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 441.02 Transfer of Customer Base.

(a) When a CLECELEC proposes a transfer of its customer base, the CLECELEC shall notify the commission by filing Form CLECELEC-36 Transfer of Customer Base, described in Puc 449.14.

(b) A CLECELEC shall provide a copy of the "Transfer of Customer Base" form to all carriers from whom it is purchasing services and with which it is interconnected.

(c) No fewer than 14 days prior to the effective date of a CLECELEC transfer of its customer base, the CLECELEC shall provide written notice pursuant to Puc 432.04 to each affected customer which includes:

(1) Notice that the CLECELEC shall discontinue providing CLECELEC services to the customer;

(2) Notice of the date the CLECELEC shall discontinue providing CLECELEC services to the customer;

(3) Notice that the customer will be assigned to the proposed transferee or lessee carrier unless the customer selects an alternate local exchange service provider;

(4) Notice that the change in carrier shall be without charge to the customer;

(5) A clear statement:

a. Of any difference in the rates, terms and conditions of service of the CLECELEC and the rates, or terms and conditions of service of the proposed transferee or lessee CLECELEC; or

b. That the rates, terms and conditions of service of the CLECELEC and the proposed transferee or lessee CLECELEC are the same;

(6) The name, address and telephone number of the proposed transferee or lessee CLECELEC; and

(7) Notice of the time period within which the customer shall make a selection of any alternate CLECELEC or be assigned to the default or successor carrier, if different than the date the CLECELEC shall cease to provide service to the affected customer.

(d) A CLECELEC shall provide a copy of the notice described in (c) (3) above to the commission at the same time notice is sent to affected customers.

(e) A CLECELEC shall, within 30 days of the effective date of the transfer of customer base, refund to its customers any applicable amounts owed.

(f) The proposed transferee or lessee shall register as a CLECELEC, pursuant to Puc 431.01, if not already so registered.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 441.03 Change in Ownership. An ILEC that is operating as an ELEC shall be required to obtain prior approval from the commission for a change of ownership in accordance with RSA 374:30, II.

When a CLEC undergoes a change in ownership pursuant to Puc 402.08 it shall notify the commission by filing Form CLEC-37 Change in Ownership, described in Puc 449.15.

A CLEC undergoing a change of ownership shall provide written notice pursuant to Puc 432.04 to each affected customer of the change in ownership, which shall include:

Information regarding the change in ownership;

Notice that the rates, terms and conditions of service of the CLEC shall remain the same.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 442 - Puc 448 - RESERVED

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 449 CLECELEC FORMS

Puc 449.01 Availability of Forms. The commission shall make all forms available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.02 Form CLECELEC-1 Contact Information.

(a) On the "Contact Information" form required by Puc 434.03 and 434.04 the CLECELEC shall include:

- (1) The CLECELEC's legal name;
- (2) The trade name the CLECELEC uses with its customers;
- (3) The CLECELEC's complete mailing address;
- (4) The CLECELEC's telephone and fax numbers;
- (5) The CLECELEC's email address;
- (6) The CLECELEC's internet address, if the CLECELEC maintains a website;
- (7) The CLECELEC's federal employer identification number (FEIN);
- (8) The CLECELEC's authorization number, or date of application if the authorization number is not yet available;
- (9) The CLECELEC's toll-free number, fax number and email address for customer service;
- (10) The CLECELEC's toll-free number, fax number and email address for repair service;

~~(11) — The hours of operation for customer service and repair service;~~

~~(12)~~(11) An indication of whether the CLECELEC wishes to receive reports and reminders

via email;

~~(13)~~(12) The names and titles of the principal officers of the CLECELEC;

~~(14)~~(13) The printed name and title of the signatory; and

~~(15)~~(14) The current date.

(b) On the "Contact Information" form the CLECELEC shall include contact information for the following individuals:

~~(1)~~ The person responsible for preparing the annual report;

~~(2)~~(1) The person responsible for regulatory matters;

~~(3)~~(2) The person that the commission's consumer affairs division shall call regarding consumer complaints from customers;

~~(4)~~(3) The director of the CLECELEC's customer service department;

~~(5)~~(4) The officer responsible for customer service; and

~~(6)~~(5) The person responsible for paying assessment bills.

(c) Contact information for each individual identified in (b) above shall consist of:

(1) The name and title;

(2) The complete mailing address;

(3) The telephone and fax numbers; and

(4) The email address.

~~(d) The CLEC shall attach a copy of its escalation lists for network, provisioning, and interconnection issues.~~

(e) The authorized representative of the CLECELEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.03 Form CLECELEC-2 Assessment Report.

(a) On the "Assessment Report" required by Puc 431.10 the CLECELEC shall

include:

(1) ~~(1)~~ The CLECELEC's legal name;

~~(5)~~—

(2) ~~(2)~~ The trade name the CLECELEC uses with its customers;

- (3) ~~(3)~~ The CLECELEC's FEIN;
- (4) ~~(4)~~ The CLECELEC's authorization number;
- (5) ~~(5)~~ Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (6) ~~(6)~~ The calendar year that is the subject of the report;
- (7) ~~(7)~~ The printed name and title of the signatory; and
- (8) ~~(8)~~ The gross utility revenue derived from New Hampshire operations during the period.

(b) The authorized representative of the CLECELEC shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.04 Form CLEC-3 Annual Report.

~~(a) On the "Annual Report" required by Puc 434.03 the CLEC shall include:~~

- ~~(1) The CLEC's legal name;~~
- ~~(2) The trade name the CLEC uses with its customers;~~
- ~~(3) The CLEC's FEIN;~~
- ~~(4) The CLEC's authorization number;~~
- ~~(5) Contact information for the person responsible for filing the "Annual Report," including:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~The email address;~~
- ~~(6) The calendar year that is the subject of the report;~~

~~The names and titles of the principal officers of the CLEC;~~

~~An indication that the company is registered as a CLEC, a CTP, or both;~~

~~The CLEC's CTP authorization number, if applicable;~~

~~A list of company affiliates that provide telecommunication services in New Hampshire;~~

~~A brief description of the CLEC's services which generate New Hampshire revenue; and~~

~~The total of all New Hampshire revenues provided in (b) below.~~

~~(b) On the "Annual Report" the CLEC shall include an itemization, by retail and wholesale, of revenue in the following categories:~~

~~IntraLATA toll;~~

~~Toll revenue other than intraLATA toll;~~

~~Local service;~~

~~Access;~~

~~All other revenue not included in (1) through (4) above; and~~

~~The subtotal by retail and wholesale.~~

~~(c) On the "Annual Report" the CLEC shall include statistical data for the CLEC's New Hampshire operations, including:~~

~~Miles of fiber sheath and copper sheath;~~

~~Number of switches and their locations;~~

~~Locations of points of interconnection, with the name of the associated company and rate center for each; and~~

~~Number of voice equivalent lines for which customers are billed.~~

~~(d) On the "Annual Report" the CLEC shall include the following information:~~

~~Identification of New Hampshire operations of the CLEC that have been discontinued in any exchange during the past 12 months;~~

~~Whether the company has discontinued all its New Hampshire operations in the past 12 months;~~

~~Whether deposits for telephone service have been taken or required; and~~

~~Whether the company offers internet access to end users.~~

~~(e) If the CLEC has attained CLEC FX eligibility in any exchange, the CLEC shall affirm on the "Annual Report" that it continues to meet the requirements of the commission for CLEC FX eligibility in that exchange.~~

~~(f) If local services are provided, the CLEC shall attach a report of its local services including:~~

~~A list, in tabular format, of each service that is separately billed to customers on a line or number basis in each exchange.~~

~~For each New Hampshire exchange, the table required in (1) above shall include:~~

~~The exchange name;~~

~~The service provided;~~

~~Whether the service is for business or residential customers;~~

~~The type of provisioning; and~~

~~The number of subscriber lines or telephone numbers, whichever is appropriate, by type of provisioning.~~

~~The CLEC shall attach a balance sheet and an income statement for the year reported.~~

~~The CLEC shall include a sworn and notarized attestation that states that the annual report has been properly prepared and represents fairly the results of the company's operations.~~

~~The attestation pursuant to (h) above shall be signed and dated by the president and the treasurer of the CLEC.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 449.05 Form CLEC-4 Quality of Service Report.~~

~~(a) On the "Quality of Service Report" required by Puc 433.06 the CLEC shall include:~~

~~(1) The CLEC's legal name;~~

~~(2) The trade name the CLEC uses with its customers;~~

~~(3) The CLEC's FEIN;~~

~~(4) The CLEC's authorization number;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~(6) The calendar year that is the subject of the report; and~~

~~(7) The printed name and title of the signatory.~~

~~(b) On the "Quality of Service Report" the CLEC shall include information regarding the installation of plain old telephone service (POTS) that indicates:~~

~~The average number of days between date of a request for service and installation of that service; and~~

~~The percentage of installation appointments which the CLEC failed to keep.~~

~~(c) On the "Quality of Service Report" the CLEC shall include a narrative explanation of any special circumstances and exceptions reflected in the service installation data reported by the CLEC.~~

~~(d) The "Quality of Service Report" shall include information regarding its repair service that indicates:~~

~~The average answer time to connect caller to repair service operator;~~

~~The percentage of calls to a repair number that are abandoned;~~

~~The percentage of service outages lasting longer than 24 hours;~~

~~The average length of repair time, which means the time elapsing from the time trouble is reported until the time trouble is cleared;~~

~~The percentage of repair appointments which the CLEC failed to keep; and~~

~~The average number of customer trouble reports per 100 access lines of the CLEC for the year.~~

~~(e) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 449.06 Form CLEC-5 Quality of Service Report Card.~~

~~(a) On the "Quality of Service Report Card" required by Puc 433.06 the CLEC shall include:~~

~~The CLEC's legal name;~~

~~The trade name the CLEC uses with its customers;~~

~~The CLEC's FEIN;~~

~~The CLEC's authorization number;~~

~~Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~d. Email address;~~

~~The calendar year that is the subject of the report;~~

~~The printed name and title of the signatory;~~

~~A general description of the CLEC's business;~~

~~A responsiveness score, representing the average number of days to complete an installation request, the percentage of installation appointments missed and the percentage of repair appointments missed;~~

~~An accessibility score, representing the average answer time of a call to repair (in seconds) and the percentage of repair calls that are abandoned; and~~

~~A reliability score, representing the percentage of service outages lasting longer than 24 hours and the average completion time for all repair requests (in hours).~~

~~For each of the scores in (9) through (11) above the "Quality of Service Report Card" shall include a narrative explanation of any special circumstances and exceptions reflected in the data reported by the CLEC.~~

~~The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 449.047 Form CLECELEC-10 Application for Registration.

(a) On the "Application for Registration" required by Puc 431.01 the CLECELEC shall include:

- (1) The applicant's legal name;
- (2) The trade name the applicant will use with its New Hampshire customers;
- (3) The applicant's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory; and
- (6) The date of application.

(b) The application shall include responses as to:

- (1) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has ever been convicted of any felony that has not been annulled by a court.
- (2) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation.
- (3) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have settled any civil, criminal or regulatory investigations or complaints.
- (4) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation.
- (5) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has been denied registration or authorization, or had registration or authorization revoked, in any other state or jurisdiction.

(c) If an affirmative answer is given to any item in (b) above, the applicant shall provide an explanation of the event and the relevant states or jurisdictions.

(d) The applicant shall list 3 primary telecommunications services the applicant will offer in New

Hampshire.

(e) The applicant shall identify its proposed service area.

(f) The applicant shall attest to the following statements:

(1) The applicant agrees to comply with, and shall operate in accordance with, all provisions and requirements of all applicable statutes, rules and orders;

(2) The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying (including the resources to provide basic service and assume the obligations of an ILEC, if seeking to provide service in the territory of an exempt ILEC); and

(3) The applicant's intraLATA switched access rates in an ILEC territory will not exceed the rates, approved by the commission, for the ILEC serving that territory,

(g) The applicant shall attach a copy of the company's Secretary of State Certificate of Authority, pursuant to Puc 402.47.

~~(h) The applicant shall attach proof of a surety bond, if applicable, pursuant to Puc 431.04.~~

(i) The applicant shall attach a completed Form CLECELEC-1 Contact Information, as described in Puc 449.02.

~~(j) The applicant shall attach its complete rate schedule, pursuant to Puc 431.06.~~

~~(k) The applicant shall attach Form CLEC-11 Intent to Use Uniform Tariff, if it elects to adopt the uniform tariff.~~

(j) If the applicant is seeking to provide service in the territory of a exempt ILEC, shall certify that

(1) it will provide basic service, as defined in Section Puc 402.05, on a timely basis throughout the local exchange service territory of the Exempt ILEC to all customers making a reasonable request for service, either using its own facilities or a combination of its own facilities and resale of another carrier's services; and

(2) it will not at any time oppose any commission request to the Federal Communications Commission, pursuant to 47 U.S.C. § 251(h)(2), that the applicant be treated as the ILEC within the local exchange service territory of an Exempt ILEC.

~~(l)(k)~~ The applicant shall include a sworn and notarized attestation that states that the application and its attachments are complete, true and accurate, and fairly represent the applicant and its qualifications.

~~(m)(l)~~ The attestation pursuant to (l) above shall be signed and dated by the authorized representative of the applicant.

~~—The "Application for Registration" shall include notice that the applicant shall forfeit its CLEC authorization if it fails to file an annual report pursuant to Puc 431.09.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.08 Form CLEC-11 Intent to Use Uniform Tariff.

~~(a) On the "Intent to Use Uniform Tariff," referred to in Puc 431.05, the CLEC shall include:~~

~~(1) The CLEC's legal name;~~

~~(2) The trade name the CLEC uses with its customers;~~

~~(3) The CLEC's FEIN;~~

~~(4) The CLEC's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~(6) The printed name and title of the signatory;~~

~~(7) A declaration of intent to use the uniform tariff; and~~

~~(8) The effective date.~~

~~(b) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.059 Form CLECELEC-12 Initiation of Operations.

(a) On the "Initiation of Operations" required by Puc 431.12 the CLECELEC shall include:

(1) ~~(1)~~ The CLECELEC's legal name;

(2) ~~(2)~~ The trade name the CLECELEC uses with its customers;

(3) ~~(3)~~ The CLECELEC's FEIN;

(4) ~~(4)~~ The CLECELEC's authorization number;

(5) ~~(5)~~ Contact information for the person responsible for the information on the form, to include:

a. The name and title;

b. The mailing address;

c. The telephone and fax numbers; and

d. Email address;

(6) ~~(6)~~ The printed name and title of the signatory;

- (7) ~~(7)~~ The date services were first provided; and
 - (8) ~~(8)~~ A brief description of the services provided.
- (b) The authorized representative of the CLECELEC shall:
- (1) Sign and date the form; and
 - (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.10 Form CLEC 25 Rate Schedule Cover Sheet.

~~(a) On the "Rate Schedule Cover Sheet" required by Puc 431.06 the CLEC shall include:~~

~~The CLEC's legal name;~~

~~The trade name the CLEC uses with its customers;~~

~~The CLEC's FEIN;~~

~~The CLEC's authorization number, or date of application if the authorization number is not yet available;~~

~~Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address; and~~

~~The printed name and title of the signatory.~~

~~(b) The CLEC shall attach its rate sheet, including:~~

~~(1) For each service offered by the CLEC, the following information:~~

~~The name of the service, as it will appear on customer bills;~~

~~The name of the service as it will appear on company provisioning documents, if different;~~

~~A brief description of service;~~

~~The price at which the service is offered; and~~

~~The date on which the price is effective.~~

~~(c) Any rate schedule of more than 10 pages shall include:~~

~~A table of contents; and~~

~~Numbered pages.~~

(d) The authorized representative of the CLEC shall:

Sign and date the form; and

Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.11 Form CLEC-30 Utility Accident Report.

(a) On the "Utility Accident Report" required by Puc 431.18 the CLEC shall include:

The CLEC's legal name;

The trade name the CLEC uses with its customers;

The CLEC's FEIN;

The CLEC's authorization number;

Contact information for the person responsible for the information on the form, to include:

The name and title;

The mailing address;

The telephone and fax numbers; and

Email address;

The printed name and title of the signatory;

A designation as to whether the report is a 10 day report, a supplemental report, a negative report or a quarterly report; and

The report number and date of the report.

(b) The CLEC shall report information regarding reportable accidents including:

The date of the accident;

The location of the accident;

An indication of whether the accident resulted in a significant service outage;

A description of the cause of the accident;

A description of the extent of any property damage;

The name of any injured person;

The injured person's relationship to the utility, if any;

A description of the nature of injuries;

An indication of whether any injury was fatal;

~~The date of death of any person, if applicable;~~

~~A previous report number, if applicable;~~

~~An indication of whether the accident involved electric contact;~~

~~An indication of whether any pole involved in the accident was licensed and properly located; and~~

~~An indication of whether any pole anchor involved in the accident was licensed and properly located.~~

~~(c) In the event the CLEC answers negatively to (b)(13) or (14) above, the CLEC shall provide:~~

~~A copy of the relevant pole license; and~~

~~A diagram showing the locations of the pole or anchor(s) as they are licensed and as they are actually located.~~

~~(d) The CLEC shall attach the following:~~

~~A diagram of the accident;~~

~~A police report of the accident, if available; and~~

~~A doctor's report on any injured person, if available. (e) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.12 Form CLEC-34 Discontinuance of Operations:

~~(a) On the "Discontinuance of Operations" form required by Puc 431.14 the CLEC shall contain:~~

~~(1) The CLEC's legal name;~~

~~(2) The trade name the CLEC uses with its customers;~~

~~(3) The CLEC's FEIN;~~

~~(4) The CLEC's authorization number;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~The email address;~~

~~(6) The number of New Hampshire customers affected;~~

~~(7) The number of New Hampshire residential customers affected;~~

~~(8) The printed name and title of the signatory; and~~

~~(9) The effective date of discontinuance.~~

~~(b) On the form the CLEC shall attest that:~~

~~The filing of the "Discontinuance of Operations" form does not, by itself, constitute authority to discontinue any service; and~~

~~The CLEC shall provide written notice to customers, as provided in Puc 431.14 (b).~~

~~(c) The CLEC shall attach:~~

~~A copy of the CLEC's notice to its customers; and~~

~~Evidence that all CLEC customers have received refunds for any and all credits, deposits, or prepayments due them.~~

~~(d) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.0613 Form CLECELEC-35 Withdrawal of Application or Authorization.

(a) On the "Withdrawal of Application or Authorization" form required by Puc 431.03 the CLECELEC shall include:

- (1) The CLECELEC's legal name;
- (2) The trade name the CLECELEC uses with its customers;
- (3) The CLECELEC's FEIN;
- (4) The CLECELEC's authorization number, or date of application if the authorization number is not yet available;
- (5) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (6) The printed name and title of the signatory; and
- (7) The proposed date of withdrawal as a business entity in New Hampshire.

~~(c) —(b) (b) The CLEC shall affirm that:~~

~~(d) The CLEC has never served customers in New Hampshire;~~

~~(e) The CLEC owes no New Hampshire end user any deposits or refunds;~~

~~(f) The CLEC's rate schedule is withdrawn; and~~

~~(g) The CLEC's intent to use the uniform tariff, if applicable, is withdrawn.~~

~~(h) —~~

(i) On the form the CLECELEC shall include a sworn and notarized attestation that states that information on the form is true and correct to the best of the individual's knowledge and belief and that the signatory has the responsibility and authority to make the attestation.

~~(j)(c)~~ The attestation pursuant to (c) above shall be signed and dated by the authorized representative of the CLECELEC.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.0714 Form CLECELEC-36 Transfer of Customer Base.

(a) On the "Transfer of Customer Base" form required by Puc 441.02 the CLECELEC shall include:

(1) Information regarding both the transferor and transferee, including:

- a. The CLECELEC's legal name;
- b. The trade name the CLECELEC uses with its customers;
- c. The CLECELEC's FEIN;
- d. The CLECELEC's authorization number or date of application if the authorization number is not yet available; and
- e. Contact information for the person responsible for the information on the form, to include:
 1. The name and title;
 2. The mailing address;
 3. The telephone and fax numbers; and
 4. Email address;

(2) The printed name and title of the signatory;

(3) The number of New Hampshire customers affected;

(4) The effective date of the transfer; and

(5) The name under which the transferee will be providing service in New Hampshire.

(b) The transferee shall attach an updated Form ~~CLECELEC~~-1 Contact Information for the transferee.

(c) The authorized representative of each ~~CLECELEC~~ shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 449.15 Form CLEC-37 Change in Ownership.

~~(a) On the "Change in Ownership" form required by Puc 441.03 the CLEC shall include:~~

~~(1) Information regarding both the transferor and transferee, including:~~

~~a. The CLEC's legal name;~~

~~b. The trade name the CLEC uses with its customers;~~

~~c. The CLEC's FEIN;~~

~~d. The CLEC's authorization number, or date of application if the authorization number is not yet available;~~

~~e. Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~f. The printed name and title of the signatory;~~

~~(2) The number of New Hampshire customers affected;~~

~~(3) The effective date of the transfer; and~~

~~(4) The name under which the transferee will be providing service in New Hampshire.~~

~~(b) The transferee shall attach an updated Form CLEC-1 Contact Information for the transferee.~~

~~(c) The authorized representative of each CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

(a) On the "CLECELEC FX Eligibility Reporting" form required by Puc 434.04(a)(7) the CLECELEC shall include:

- (1) The CLECELEC's legal name;
- (2) The trade name the CLECELEC uses with its customers;
- (3) The CLECELEC's FEIN;
- (4) The CLECELEC's authorization number;
- (5) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address; and
- (6) The printed name and title of the signatory.

(b) The CLECELEC shall quantify its services that qualify it for CLECELEC FX eligibility by providing, in tabular format, the following information:

(1) The CLECELEC shall provide information for each exchange from which the CLECELEC has:

- a. Ported telephone numbers assigned to its customers;
- b. Blocks of telephone numbers assigned to the CLECELEC; or
- c. Applied for blocks of telephone numbers.

(2) For each exchange pursuant to (1) above, the CLECELEC shall provide the following information:

- a. The exchange name, pursuant to the municipality name used by the ILEC;
- b. The relevant NXX number;
- c. The NXX thousands-block ID(s), if applicable;
- d. Whether the company has collocation with the ILEC in that exchange;
- e. If the answer to (d) above is no, provide the number of CLECELEC customers for each type of provisioning:
 1. A CLECELEC-owned copper loop;
 2. A CLECELEC-owned fiber loop;
 3. Enhanced extended loops, or EELs; and

4. Customer information including name, address and telephone number for a representative customer in the exchange.

(c) The authorized representative of each CLECELEC

shall: (1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 450 COMPETITIVE INTRALATA TOLL PROVIDERS (CTPs)

Puc 450.01 Purpose. ~~The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for CTPs in order to enable CTPs to comply with relevant statutes and commission orders.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 450.02 Application of Rules.

(a) ~~CTPs shall comply with Puc 450 through 469.~~

(b) ~~ILEC affiliates who are CTPs shall be subject to the rules herein.~~

(c) ~~CLECs who are CTPs shall be subject to the rules herein.~~

(d) ~~The following commission rules shall apply to CTPs:~~

~~(1) Puc 102, relative to definitions of terms;~~

~~(2) Puc 200, procedural rules;~~

~~(3) Puc 402, relative to definitions of terms;~~

~~(4) Puc 800, underground utility damage protection program; and~~

~~Puc 1200, uniform administration of utility customer relations.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 450.03 Definitions.

(a) ~~"Market share" means the ratio of a company's intrastate toll revenue to the total of all companies' intrastate toll revenue, as reported on the current annual reports, expressed as a percentage.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 451 CTP REGULATORY REQUIREMENTS

Puc 451.01 Registration.

~~(a) No person or entity shall offer toll service in New Hampshire unless and until that person or entity is registered as a CTP.~~

~~(b) Before commencing operations as a CTP in New Hampshire, the entity proposing to provide CTP service shall register with the commission and receive its CTP authorization number.~~

~~(1) — (c) An ILEC operating as a CTP prior to December 31, 2003, shall not be required to register pursuant to this part.~~

~~(2) — (d) To register with the commission a CTP shall file Form CTP-10 Application for Registration, as described in Puc 469.05.~~

~~(3) — (e) On the "Application for Registration" the CTP shall include as attachments:~~

~~(4) — A completed Form CTP-1 Contact Information;~~

~~A completed Form CTP-11 Intent to Use Uniform Tariff, if the CTP wishes to use the uniform tariff pursuant to Puc 451.04; and~~

~~A rate schedule pursuant to 451.05.~~

~~(f) Unless the commission denies an application for CTP registration pursuant to Puc 451.02, it shall issue a CTP authorization number.~~

~~(g) Any authorization number obtained by a CTP under this part is non-transferable.~~

Source, #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.02 Denial of Registration.

~~(a) The commission shall deny an application for registration if it determines that the applicant or its general partners, corporate officers, director of the company, limited liability company managers or officers:~~

~~(1) Have committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 451.14(b);~~

~~(2) Have, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;~~

~~(3) Knowingly made a material false statement of fact in the application; or~~

~~(4) Demonstrated on its application such flagrant or repeated violations of the requirements to operate as a utility or a toll provider in other state(s) that the commission determines that it is not in the public good to allow registration.~~

~~(b) In determining whether to deny an application for registration, the commission shall consider whether the crime or act referred to in (a) above is substantially related to the qualifications, functions or~~

duties required to provide CTP services.

~~(c) In the event that the commission denies an application for registration, the applicant shall be permitted to file a request for reconsideration within 30 days.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.03 Withdrawal of Application or Authorization.

~~(a) A CTP may withdraw its application or authorization prior to serving customers in New Hampshire so long as the CTP has no outstanding obligations to any New Hampshire end user.~~

~~(b) A CTP wishing to withdraw shall file Form CTP-35 Withdrawal of Application or Authorization, as described in Puc 469.10.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.04 Uniform Tariff.

~~A CTP which elects to use the uniform tariff shall do so by submitting Form CTP-11 Intent to Use Uniform Tariff, as described in Puc 469.06.~~

~~A CTP which elects to use the uniform tariff shall not file the actual text of the uniform tariff with the commission.~~

~~A CTP which uses the uniform tariff shall not alter or rearrange the content of the uniform tariff in any way.~~

~~A CTP that is not an ILEC with tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006, to bring existing tariffs into compliance with this section.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.05 Rate Schedule.

~~A CTP that is not an ILEC shall file a rate schedule with the commission using Form CTP-25 Rate Schedule Cover Sheet, as described in Puc 469.08.~~

~~Any rate schedule filed pursuant to (a) above, shall not include any terms, conditions or limitations of liability.~~

~~If a CTP chooses to establish terms, conditions and limitations of liability different from the uniform tariff it shall do so through individual contracts with its customers.~~

~~A CTP shall not include any provisions in its rate schedule(s) which are inconsistent with applicable commission rules or statutory requirements.~~

~~As to any rate schedule filed with the commission by a CTP:~~

~~The commission shall maintain the CTP's rate schedule(s) on file for informational purposes;~~

~~The filing of a rate schedule shall not create a presumption that the commission has either reviewed or approved the rates;~~

~~(3) The commission shall presume the rates are just and reasonable unless and until a complaint is raised by any person affected by the change at which time the rate schedule(s) shall be subject to review; and~~

~~A CTP shall file its complete rate schedule biennially, in each even-numbered year.~~

~~The commission shall accept rate schedules filed in an electronic format that is compatible with the commission's electronic filing capability.~~

~~In the event that terms, conditions or limitations on liability are included in a rate schedule filed with the commission, such terms, conditions and limitations on liability shall have no effect.~~

~~A CTP that is not an ILEC, with rate schedules or tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006, to replace its existing tariffs with rate schedules or bring existing rate schedules into compliance with this section.~~

~~A CTP that is an ILEC shall file a tariff pursuant to Chapter Puc 1600.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.06 Changes in Prices and Services.

~~(a) A CTP that is not an ILEC shall notify the commission of any proposed changes in prices or services offered by filing an amended Form CTP-25 Rate Schedule Cover Sheet, including only the rate sheet(s) revised by the change, at least 1 day in advance of the proposed effective date of any of the following:~~

~~The introduction of a new service offering;~~

~~The deletion of an existing service offering;~~

~~A price change; or~~

~~Any change to the name, description, or other aspect of an existing service.~~

~~(b) A CTP that is an ILEC shall notify the commission of any proposed changes in prices or services offered by filing a tariff pursuant to Chapter Puc 1600.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.07 Annual Report.

~~A CTP shall file Form CTP-3 Annual Report, as described in Puc 469.04, each year, regardless of whether it has initiated operations or has any operating revenues in New Hampshire.~~

~~A CTP which is also a CLEC shall file one combined annual report covering the operation of both entities.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.08 Assessment.

~~(a) A CTP shall file Form CTP-2 Assessment Report, as described in Puc 469.03, annually.~~

~~(b) A CTP which is also a CLEC shall file one combined assessment report covering the operation of both entities.~~

~~(c) The commission shall assess a CTP pursuant to RSA 363-A:2.~~

~~(d) A CTP shall remit such assessment to the commission, pursuant to RSA 363-A:4.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.09 Contact Information. ~~A CTP shall file Form CTP-1 Contact Information, as described in Puc 469.02, both annually, and within 30 days of any change of the information on the "Contact Information" form.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

~~(a) — Puc 451.10 Conditions of Operation.~~

~~(b) — A CTP shall exercise its CTP authorization by providing telecommunications service to at least one retail customer no later than 2 years from the date of issuance, or forfeit its CTP authorization.~~

~~(c) — A CTP shall file Form CTP-12 Initiation of Operations, described in Puc 469.07, when the CTP first acquires and provides service to an end user in New Hampshire.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.11 Forfeiture of Authorization.

~~A CTP failing to file an annual report for 2 successive years shall, after notice from the commission, forfeit its authority to operate.~~

~~A CTP filing an annual report which indicates no activity in New Hampshire for 2 successive years following its registration shall, after notice from the commission, forfeit its authority to operate.~~

~~A CTP forfeiting its authorization under this section shall discontinue operations pursuant to Puc 451.12.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 451.12 Discontinuance of Operations.

~~(a) A CTP who has commenced operations in New Hampshire shall, at least 14 days prior to ceasing operations notify the commission of its intent to cease operations by filing:~~

~~(1) A Form CTP-34 Discontinuance of Operations described in Puc 469.09; and~~

~~(2) A copy of its notice to customers as required by (b) below.~~

~~(b) A CTP who has commenced operations in New Hampshire shall, at least 14 days prior to ceasing operations notify its customers, pursuant to Puc 452.01, of cessation of operations, such notification to include:~~

~~Notice that the CTP shall discontinue providing CTP services to the customer;~~

~~A statement that, in order to have an intraLATA toll service provider, the customer shall select an alternate CTP; and~~

~~The time period, which shall not be less than 14 days from notification, within which the customer shall make a selection of a new CTP.~~

~~(c) A CTP shall refund to its customers any applicable amounts owed prior to cessation of operations.~~

~~(d) A CTP shall satisfy its outstanding obligations to other carriers for New Hampshire services.~~

~~(e) The commission shall post on its website a list of CTPs who have filed a "Discontinuance of Operations."~~

~~(f) The commission shall approve a CTP's request to cease operations upon finding that the CTP has made adequate provisions for discontinuance of operations, pursuant (a) and (b) above.~~

~~(g) No later than 10 days after ceasing operations, a CTP shall provide to the commission:~~

~~A sworn statement that the CTP has ceased providing service to all its New Hampshire customers; and~~

~~Evidence that all the CTP's customers have been sent refunds of any and all deposits or prepayments that may be owed them.~~

~~(h) If the commission determines that a CTP has not made adequate provisions for discontinuance of service or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.~~

~~(i) When the commission determines that a CTP has not made adequate provisions for notifying its customers the CTP shall provide to the commission a list of the names and addresses of the end users affected by the termination.~~

~~(j) Nothing in (i) above shall prevent any third party from exercising any rights it may have against the CTP, whether under contract, at law, or in equity.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 451.13 Notice of Bankruptcy. A CTP shall notify the commission in writing when it files for bankruptcy within 1 business day following its filing with the bankruptcy court.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 451.14 Violation of Rules:~~

~~(a) If, after notice and opportunity to be heard the commission determines that good cause exists, it shall issue an order:~~

- ~~(1) Revoking, suspending, modifying or imposing conditions upon its CTP authorization;~~
- ~~(2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28-a, II or RSA 378:46 or a combination thereof;~~
- ~~(3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or~~
- ~~(4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.~~

~~(b) For the purposes of this section, good cause shall include but not be limited to the following actions~~

by a CTP:

- ~~(1) Conducting business in an unfair or deceptive manner;~~
- ~~(2) Consistent or flagrant violation of applicable statutes, commission rules or commission orders;~~
- ~~(3) Slamming, in violation of RSA 374:28-a;~~
- ~~(4) Cramming, in violation of RSA 378:46; or~~

~~Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.~~

~~(c) The commission shall determine which consequences set forth in (a) above are most applicable after considering:~~

- ~~(1) The nature of the infraction;~~
- ~~(2) The severity of the infraction; and~~
- ~~(3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 452 CTP CUSTOMER RELATIONS

Puc 452.01 CTP Notices to Customers:

~~(a) Unless otherwise specified, any notice to customers required by these rules shall:~~

~~Include the company name and relevant contact telephone number;~~

~~Be provided:~~

~~In a separate mailing;~~

~~As a bill insert; or~~

~~c. By clear and conspicuous notice printed on the customer's bill; and~~

~~Be sent separately from communications that would otherwise include only promotional materials.~~

~~Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically.~~

~~Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.02 Bill Forms:

~~(a) Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.~~

~~(b) Each bill shall show all factors as are necessary, so that the charges may be readily understood from~~

the information appearing on the bill.

(c) Each bill shall indicate the following:

(1) The date of the current bill;

(2) For those utilities which charge interest and/or late charges after the due date:

The due date, as defined in Puc 402.15; and

Any applicable penalty approved in the utility's tariff or rate schedule, as applicable;

(3) Any applicable discount;

(4) The charges;

(5) The toll-free customer service telephone number of the utility;

(6) A statement directing customers to contact the utility regarding bill questions; and

(7) A statement that customer may call the commission for further assistance after first attempting to resolve disputes with the utility.

(d) All payments made at an authorized payment agency of the utility shall be credited to the customer's account and posted effective the date payment is rendered to the authorized payment agency.

(e) Bills shall be delivered:

Via US postal service; or

Via an electronic billing system when offered by the utility and elected by the customer.

(f) Each utility shall maintain and make available to the commission upon request an accurate account of all utility charges for service billed to each customer and shall maintain records showing the information from which each bill may be readily computed.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.03 Application of Payments. If a CTP provides that customers may pay bills to an authorized payment agent, as defined in Puc 402.03, of the CTP, the CTP shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agent.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.04 Notice to Customers of Changes in Rates.

(a) Prior to the effective date of any rate increase, a CTP shall notify all affected customers of the increase pursuant to Puc 452.01.

(b) The notice required in (a) above shall include:

The new rate; and

The effective date of the rate increase.

(c) In order for a change in the price of an existing CTP service to become effective, a CTP shall file the changed rate with the commission at least one day before the new rate's proposed effective date.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.05 Slamming Prohibited.

(a) ~~A CTP shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.~~

(b) ~~If, after notice and opportunity for hearing, the commission finds a CTP has switched a subscriber's selection of carrier without authorization, the CTP shall be subject to an administrative fine, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a,II.~~

(c) ~~For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission shall issue an order pursuant to Puc 451.14.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.06 Cramming Prohibited.

(a) ~~A CTP shall not engage in cramming.~~

(b) ~~If, after notice and opportunity for hearing, the commission finds a CTP has engaged in cramming, the CTP shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.07 Confidentiality Requirements.

(a) ~~A CTP shall treat all communications between customers as confidential unless, and to the extent, authorized by the commission, or state or federal law.~~

(b) ~~No CTP operators, employees or agents shall, except when a technical necessity exists:~~

~~Listen to any telephone conversation between customers; or~~

~~Monitor the content of non-voice communication such as data.~~

(c) ~~Employees, including operators and agents of a CTP, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the CTP, unless and to the extent authorized by the commission or by state or federal law.~~

(d) ~~A CTP shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.08 Disconnection of Residential Service and Non-Residential Service.

(a) ~~For customer initiated disconnections of toll service, a CTP may require a residential customer to:~~

~~Provide one business day notice of intent to discontinue service; and~~

~~Be responsible for all charges until expiration of the notice period referred to in (1) above.~~

~~(b) For all other disconnections of toll service, a CTP may disconnect service in conformance with this section when:~~

~~The customer has failed to pay any undisputed bill for toll service within 30 days from the bill date unless the customer has established a payment arrangement with the CTP;~~

~~The customer, resident in the customer's household, or employee of the customer's business has fraudulently used or procured toll service; or~~

~~The disconnection is in accordance with the terms and conditions of the contract for service provided by the CTP to the customer.~~

~~(c) A CTP shall not disconnect a customer or remove a customer from the customer's selected calling plan if the CTP bills for toll service in advance and the service has not yet been provided.~~

~~(d) Notice of disconnection shall be provided to customers verbally or in writing no fewer than 5 days and no more than 14 days prior to the proposed disconnection date.~~

~~(e) When a CTP disconnects a customer at the customer's request, the CTP shall: (1) Block the customer from its system so that:~~

~~The calls placed by the customer will no longer be carried over the CTP's network; and~~

~~The block blocks only the customer's access to the CTP's network and does not block the customer's access to the networks of other CTPs; and~~

~~(2) Advise the customer to contact their LEC to remove the IXC as the customer's primary interexchange carrier.~~

~~(f) Except as provided in (g) below, when a CTP disconnects a customer for non-payment of toll service, the CTP shall:~~

~~(1) Block the customer from its system so that:~~

~~The customer cannot complete a call on the CTP's network; and~~

~~The block blocks only the customer's access to the CTP's network and not the customer access to the networks of other CTPs; and~~

~~(2) Notify, within 1 business day, the ILEC or CLEC which provides the customer's basic service of:~~

~~The block on the customer's phone; and~~

~~Any subsequent restoration of service to the customer.~~

~~(3) Remove the block and restore the customer's toll service including the restoration of the customer's selected calling plan once payment has been received or the CTP and the customer have agreed to a payment arrangement.~~

~~(g) When a CTP that bills its customers through the LEC and has an agreement with the LEC whereby the LEC purchases or otherwise assumes the receivables of the CTP disconnects a customer for nonpayment of toll service, the CTP shall direct the LEC to:~~

~~(1) Restrict the customer's access to the toll network as follows:~~

~~a. If the LEC has capability to selectively block toll providers, block the customer from the CTP's system so that:~~

~~The calls placed by the customer will no longer be carried over the CTP's network; and~~

~~The block blocks only the customer's access to the CTP's network and does not block the customer's access to the networks of other CTPs; or~~

~~b. If the LEC does not have the capability to selectively block toll providers, globally block the customer from the toll network so that the calls placed by the customer will no longer be carried over the toll network by any CTP; and~~

~~(2) Immediately restore the toll service of the customer;~~

~~Upon the customer notifying the CTP that the entire amount of the toll charges is in dispute;~~

~~Upon full payment of undisputed toll charges; or~~

~~c. Upon the customer having entered into a payment arrangement with the CTP in accordance with 1203.07 for the undisputed toll charges.~~

~~Unless otherwise requested by the customer, a CTP shall only disconnect service to its customers between 8:00 am and 3:00 pm eastern time.~~

~~Unless otherwise requested by the customer, a CTP shall not disconnect service to customers during the hours specified in (h) above if the disconnection would occur on:~~

~~A state or federal holiday;~~

~~The day preceding a state or federal holiday;~~

~~A day the commission is closed to the public; or~~

~~The day preceding a day the commission is closed to the public.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

Puc 452.09 Disconnection Conferences with Customer.

~~At the request of a customer, a utility shall provide the customer with the opportunity for a conference with the utility if the request is made prior to the proposed date of disconnection of service specified in the disconnect notice.~~

~~If a customer contacts the utility on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the utility.~~

~~If a customer contacts the utility either 1 or 2 days prior to the scheduled disconnection date requesting a conference, the utility shall schedule a conference no later than 3 business days after the request.~~

~~If the customer contacts the utility as provided in (a) and (c) above and schedules a conference, the utility shall not disconnect service until the utility has notified the customer of the outcome of the conference.~~

~~At the option of the CTP, a disconnection conference may be conducted by telephone.~~

~~During the conference if the customer and the utility cannot agree on a resolution, the utility shall inform the customer of the customer's right to request a conference with the commission staff.~~

~~In order to request a conference with the commission staff, a customer shall:~~

~~(1) Make the request with the commission's consumer affairs division before the later of:~~

~~The scheduled disconnection date; or~~

~~The fifth business day following utility notification to the customer of the outcome of the utility's conference with the customer; and~~

~~(2) Make the request to the commission's consumer affairs division in writing, in person, or by telephone.~~

~~(h) Each utility shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.~~

~~(i) Upon the customer's request for a conference with the commission staff pursuant to (g) above:~~

~~The commission staff shall notify the utility of the customer's timely made request;~~

~~The utility shall forward to the commission's consumer affairs division a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference along with any other information the commission staff may request; and~~

~~The utility shall not disconnect service until the commission notifies the utility of the outcome of the commission staff's conference with the customer.~~

~~(j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the utility shall continue service to the customer until such time as the commission determines whether disconnection is justified.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 452.10 Disconnection of Associated Services.

~~For the purposes of this section, "associated service" means toll service provided to an additional existing telephone line by the same toll provider to the same customer at the same location for the same classification of service.~~

~~A CTP may disconnect the toll service of a customer for non-payment of toll service on another line.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 453 CTP EQUIPMENT AND FACILITIES

Puc 453.01 Construction, Installation and Maintenance of Physical Plant.

~~(a) A CTP shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2002 edition, and the National Electrical Code as adopted by RSA 155-A:1, IV.~~

~~(b) A CTP shall construct, install and maintain its plant, structures, equipment and lines to prevent interference with service furnished by other carriers or by other public service facilities, such as cable TV, fire alarm, electric, water, sewer, gas or steam facilities.~~

~~— A CTP shall periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 453.02 Quality of Service Standards:

~~A CTP shall have sufficient equipment to handle traffic.~~

~~A CTP shall provide sufficient interoffice channels to handle the traffic without delay.~~

~~A CTP shall provide interexchange trunks which shall be engineered on the basis of not exceeding one failed call per 100 calls during any normal busy hour.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 454 CTP REPORTS AND FILINGS

Puc 454.01 One-Time Filings Required for Prospective and New CTPs:

~~(a) A CTP shall file Form CTP-10 Application for Registration when it is applying to provide service in New Hampshire.~~

~~(b) A CTP shall file Form CTP-11 Intent to Use Uniform Tariff when it elects to use the uniform tariff pursuant to Puc 451.04.~~

~~(c) A CTP shall file Form CTP-12 Initiation of Operations when it serves its first revenue-producing customer in New Hampshire.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 454.02 Biennial Reports: A CTP shall file a complete rate schedule, using Form CTP-25 Rate Schedule Cover Sheet, biennially on or before March 31 of each even-numbered year.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 454.03 Annual Reports:

Unless otherwise specified in this part, reports filed annually are due on or before March 31 of each year, and shall cover the most recent calendar year.

A CTP shall file the following commission reports annually:

Form CTP-1 Contact Information;

Form CTP-2 Assessment Report; and

Form CTP-3 Annual Report.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 454.04 Other Reports:

~~(a) A CTP shall file the following reports with the commission within 30 days of the event that necessitates the filing:~~

(1) —

~~(2) A Form CTP-1 Contact Information, with respect to any changes in the information on the CTP's most recently filed "Contact Information;"~~

~~(3) A Form CTP-34 Discontinuance of Operations, with respect to discontinuing the CTP's operations pursuant to 451.12;~~

~~(4) A Form CTP-35 Withdrawal of Application or Authorization, when a CTP seeks to withdraw its application for registration, or withdraw its authorization to provide service, in the instance where it has no customers in the state, pursuant to Puc 451.03;~~

~~(5) A Form CTP-36 Transfer of Customer Base, when a CTP is transferring its customer base to another entity, pursuant to Puc 458.01; and~~

~~— A Form CTP-37 Change in Ownership, when a CTP is undergoing a change in ownership, pursuant to Puc 458.02.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 454.05 Submitting Reports and Forms.

~~(a) A CTP shall submit all required reports and forms to the commission by the following methods:~~

~~(1) Mail or other delivery to:~~

~~New Hampshire Public Utilities
Commission 21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or~~

~~(2) Electronic report filing as the commission shall provide on the commission website.~~

~~(b) A CTP making an electronic filing pursuant to (a)(2) above shall comply with Puc 202.08 regarding filing requirements.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 454.06 Confidential Treatment. A CTP which seeks

~~confidential treatment of part or all of any of the
reports or forms required by this section shall do
so pursuant to RSA 378:43.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

PART Puc 455 CTP INTERCARRIER OBLIGATIONS

Puc 455.01 Switching and Signaling Obligations.

~~(a) A CTP shall provide reasonable access to all signaling information pursuant to industry protocols.~~

~~(b) A CTP shall not interfere with the transmission of signaling information.~~

~~A CTP shall protect Customer Proprietary Network Information (CPNI) at least to the level required by FCC regulations.~~

~~(d) A CTP shall communicate, both on a demand and preventative basis, information regarding~~

~~maintenance necessary to insure successful call completion.~~

~~(e) A CTP shall convey Automatic Number Identification (ANI) to other carriers as it was received by the CTP.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 455.02 Trouble Reporting and Resolution Obligations.~~

~~A CTP shall ensure that trouble reports are directed to the correct carrier(s) in a timely manner.~~

~~A CTP receiving a trouble report from its customer regarding the non-completion of a call shall accept, report and coordinate the resolution of that trouble.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~PART Puc 456 CTP OPERATOR SERVICES Puc 456.01 Provision of Service.~~

~~(a) A CTP that provides operator services shall orally identify itself by name prior to the connection of the telephone call.~~

~~(b) A CTP that provides operator services shall provide the following information immediately, audibly and distinctly to the telephone user, upon request and at no charge:~~

~~(1) Sufficient information to enable the customer to determine the total cost of the call that will be billed by or on behalf of the CTP, which shall include:~~

~~The per minute rate;~~

~~Any and all surcharges; and~~

~~Any other charge associated with the call, excluding taxes; and~~

~~(2) The methods by which complaints concerning such rates, charges or collection practices will be resolved.~~

~~(c) A CTP that provides operator services shall instruct telephone users that they may obtain applicable rate and surcharge quotations required by (b) above, either by:~~

~~Dialing no more than 2 digits; or~~

~~Remaining on the line.~~

~~(d) A CTP that provides operator services shall permit the telephone user to terminate the telephone call before the commencement of any charges.~~

~~(e) Where a CTP provides operator services that allow third party calls, the CTP shall:~~

~~(1) Require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred; and~~

~~(2) Require its operators to obtain such verification prior to allowing the third party customer to be billed.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~PART Puc 457 CTP INTERCONNECTION~~

~~Puc 457.01 Intercompany Contact Information.~~

~~(a) — A CTP shall provide and regularly maintain contact and escalation lists for network and interconnection issues on a web page, if the CTP maintains a website.~~

~~(b) — Substantive changes to the location or content of the information required by (a) above shall be updated within 5 business days.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

~~PART Puc 458 CTP CORPORATE RESTRUCTURING~~

Puc 458.01 Transfer of Customer Base.

~~(a) When a CTP proposes to transfer its customer base, as defined in Puc 402.57, the CTP shall notify the commission by filing Form CTP-36 Transfer of Customer Base, as described in Puc 469.11.~~

~~(b) No fewer than 14 days prior to the effective date of a CTP transfer of its customer base, the CTP shall provide written notice, pursuant to Puc 452.01, to each affected customer which includes:~~

~~(1) Notice that the CTP shall discontinue providing CTP services to the customer;~~

~~(2) Notice of the date the CTP shall discontinue providing CTP services to the customer;~~

~~(3) Notice that the customer will be assigned to the proposed transferee or lessee carrier unless the customer selects an alternate toll provider;~~

~~(4) Notice that the change in carrier shall be without charge to the customer;~~

~~(5) A clear statement:~~

~~a. Of any difference in the rates, terms and conditions of service of the CTP and the rates, terms and conditions of service of the proposed transferee or lessee CTP; or~~

~~b. That the rates, terms and conditions of service of the CTP and the proposed transferee or lessee CTP are the same;~~

~~(6) The name, address and telephone number of the proposed transferee or lessee CTP; and~~

~~(7) Notice of the time period within which the customer shall make a selection of any alternate CTP or be assigned to the default or successor carrier, if different than the date the CTP shall cease to provide service to the affected customer.~~

~~(c) A CTP shall provide a copy of the notice described in (b) above to the commission at the same time notice is sent to affected customers.~~

~~(d) — A CTP shall, within 30 days of the effective date of the transfer of customer base, refund to its customers any applicable amounts owed.~~

~~(e) — The proposed transferee or lessee shall register as a CTP, pursuant to Puc 451.01, if not already so registered.~~

~~(f) — In addition to the requirements in (a) through (e) above, pursuant to RSA 374:22-o, a CTP with a market share of 10 percent or greater shall petition the commission for approval of its transfer of customer base at least 30 days prior to the effective date of such transfer.~~

~~(g) — As to any petition filed by a CTP for approval of the commission, pursuant to (f) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers,~~

~~pursuant to the criteria contained in well-developed relevant case law.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 458.02 Change in Ownership.~~

~~(a) When a CTP undergoes a change in ownership pursuant to Puc 402.08 it, shall notify the commission by filing Form CTP-37 Change in Ownership, as described in Puc 469.12.~~

~~(b) A CTP undergoing a change of ownership shall provide written notice pursuant to Puc 452.01 to each affected customer of the change in ownership, which shall include:~~

~~Information regarding the change in ownership;~~

~~Notice that the rates, terms and conditions of service of the CTP shall remain the same.~~

~~(c) In addition to the requirements in (a) through (c) above, pursuant to RSA 374:22-o, a CTP with a market share of 10 percent or greater shall petition the commission for approval of its change in ownership at least 30 days prior to the effective date of such change.~~

~~(d) As to any change of ownership filed by a CTP for approval of the commission, pursuant to (d) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers, pursuant to the criteria contained in well-developed relevant case law.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~PART Puc 459 - 468 RESERVED~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~PART Puc 469 CTP FORMS~~

~~Puc 469.01 Availability of Forms. The commission shall make all forms available on the commission's website at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 469.02 Form CTP-1 Contact Information.~~

~~(a) On the "Contact Information" form required by Puc 451.09 the CTP shall include:~~

- ~~(1) The CTP's legal name;~~
- ~~(2) The trade name the CTP uses with its customers;~~
- ~~(3) The CTP's complete mailing address;~~
- ~~(4) The CTP's telephone and fax numbers;~~
- ~~(5) The CTP's email address;~~

- ~~(6) The CTP's website address, if the CTP maintains a website;~~
- ~~(7) The CTP's federal employer identification number (FEIN);~~
- ~~(8) The CTP's authorization number, or date of application if the authorization number is not yet available;~~
- ~~(9) The CTP's toll-free number, fax number and email address for customer service;~~
- ~~(10) The CTP's toll-free number, fax number and email address for repair service;~~
- ~~(11) The hours of operation for customer service and repair service;~~
- ~~(12) An indication of whether the CTP wishes to receive reports and reminders via email;~~
- ~~(13) The names and titles of the principal officers of the CTP;~~
- ~~(14) The printed name and title of the signatory; and~~
- ~~(15) The current date.~~

~~(b) On the "Contact Information" form the CTP shall include contact information for the following individuals:~~

- ~~(1) The person responsible for preparing the annual report;~~
- ~~(2) The person responsible for regulatory matters;~~
- ~~(3) The person that the commission's consumer affairs division shall call regarding consumer complaints from customers; and~~
- ~~(4) The person responsible for paying assessment bills.~~

~~(c) Contact information for each individual identified in (b) above shall consist of:~~

- ~~(1) The name and title;~~
- ~~(2) The complete mailing address;~~
- ~~(3) The telephone and fax numbers; and~~
- ~~(4) The email address.~~

~~(d) The authorized representative of the CTP shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.03 Form CTP-2 Assessment Report:

~~(a) On the "Assessment Report" required by Puc 451.08 the CTP shall include:~~

- ~~(1) The CTP's legal name;~~
- ~~(2) The trade name the CTP uses with its customers;~~
- ~~(3) The CTP's FEIN;~~
- ~~(4) The CTP's authorization number;~~
- ~~(5) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~
- ~~(6) The calendar year that is the subject of the report;~~
- ~~(7) The printed name and title of the signatory; and~~
- ~~(8) The gross utility revenue derived from New Hampshire operations during the period.~~

~~(b) The authorized representative of the CTP shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

~~Puc 469.04 Form CTP-3 Annual Report.~~

~~(a) On the "Annual Report" required by Puc 451.07 the CTP shall include:~~

~~The CTP's legal name;~~

~~The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number;~~

~~(5) Contact information for person responsible for filing the "Annual Report," including:~~

~~The name and title;~~

~~The mailing address;~~

~~The phone number; and~~

~~The email address.~~

~~(6) The calendar year that is the subject of the report;~~

- (7) The names and titles of the principal officers of the CTP;
- (8) An indication that the company is registered as a CLEC, a CTP, or both;
- (9) The CTP's CLEC authorization number, if applicable;
- (10) A list of company affiliates that provide telecommunication services in New Hampshire; and
- (11) A brief description of the CTP's services which generate New Hampshire revenue; and
- (12) The total of all New Hampshire revenues provided in (b) below.

(b) On the "Annual Report" the CTP shall include an itemization, by retail and wholesale, of revenue in the following categories:

IntraLATA toll;

Toll revenue other than intraLATA toll;

Local service;

Access;

All other revenue not included in (1) through (4) above; and

The subtotal, by retail and wholesale.

(c) On the "Annual Report" the CTP shall include statistical data for the CTP's New Hampshire operations, including:

Number of presubscribed access lines;

Intrastate conversation minutes of use; and

Number of switches and their locations.

(d) On the "Annual Report" the CTP shall include the following information:

Identification of New Hampshire operations of the CTP that have been discontinued in any exchange during the past 12 months;

Whether the CTP has discontinued all its New Hampshire operations in the past 12 months;

Whether deposits for telephone service have been taken or required; and

Whether the company offers internet access to end users.

The CTP shall attach a balance sheet and an income statement for the year reported.

The CTP shall include a sworn and notarized attestation that states that the annual report has been properly prepared and represents fairly the results of the company's operations.

The attestation pursuant to (f) above shall be signed and dated by the president and the treasurer of the CTP.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.05 Form CTP-10 Application for Registration.

~~(a) On the "Application for Registration" form the CTP shall include:~~

- ~~(1) The applicant's legal name;~~
- ~~(2) The trade name the applicant will use with its New Hampshire customers;~~
- ~~(3) The applicant's FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~
- ~~(5) The printed name and title of the signatory; and~~
- ~~(6) The date of application.~~

~~(b) On the application the CTP shall include responses as to:~~

- ~~(1) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has ever been convicted of any felony that has not been annulled by a court.~~
- ~~(2) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation.~~
- ~~(3) —~~
- ~~(4) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have settled any civil, criminal or regulatory investigations or complaints.~~
- ~~(5) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation.~~
- ~~(6) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has been denied registration or authorization, or had registration or authorization revoked, in any other state or jurisdiction.~~

~~(c) If an affirmative answer is given to any item in (b) above, the applicant shall provide an explanation of the event and the relevant states or jurisdictions.~~

~~(d) The applicant shall list 3 primary telecommunications services the applicant will offer in New Hampshire.~~

~~(e) The applicant shall identify its proposed service area.~~

~~(f) The applicant shall attest to the following statements:~~

~~(1) The applicant agrees to comply with, and shall operate in accordance with, all provisions and requirements of all applicable statutes, rules and orders; and~~

~~(2) The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying.~~

~~(g) The applicant shall attach a copy of the company's Secretary of State Certificate of Authority, pursuant to Puc 402.45.~~

~~(h) The applicant shall attach a completed Form CTP-1 Contact Information.~~

~~(i) The applicant shall attach its complete rate schedule.~~

~~(j) The applicant shall attach Form CTP-11 Intent to Use Uniform Tariff, if it elects to use the uniform tariff.~~

~~(k) The applicant shall include a sworn and notarized attestation that states that the application and its attachments are complete, true and accurate, and fairly represent the applicant and its qualifications.~~

~~(l) The attestation pursuant to (l) above shall be signed and dated by the authorized representative of the applicant.~~

~~(m) The "Application for Registration" shall include notice that the applicant shall forfeit its CTP authorization if it fails to file an annual report pursuant to Puc 451.11.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.06 Form CTP-11 Intent to Use Uniform Tariff.

~~(a) On the "Intent to Use Uniform Tariff" referred to in Puc 451.04 the CTP shall include:~~

~~(1) The CTP's legal name;~~

~~(2) The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~(6) The printed name and title of the signatory;~~

~~(7) A declaration of intent to use the uniform tariff; and~~

~~(8) The effective date.~~

~~(b) The authorized representative of the CTP shall:~~

Sign and date the form; and

Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.07 Form CTP-12 Initiation of Operations.

(a) On the "Initiation of Operations" form required by Puc 451.10(b) the CTP shall include:

- (1) The CTP's legal name;
- (2) The trade name the CTP uses with its customers;
- (3) The CTP's FEIN;
- (4) The CTP's authorization number;
- (5) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. —
 - d. The telephone and fax numbers; and
 - e. Email address;
- (6) The printed name and title of the signatory;
- (7) The date services were first provided; and
- (8) A brief description of the services provided. (b)

The authorized representative of the CTP shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.08 Form CTP-25 Rate Schedule Cover Sheet.

(a) On the "Rate Schedule Cover Sheet" required by Puc 451.05 the CTP shall include:

- (1) The CTP's legal name;
- (2) The trade name the CTP uses with its customers;
- (3) The CTP's FEIN;

~~(4) The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address; and~~

~~(6) The printed name and title of the signatory.~~

~~(b) The CTP shall attach its rate sheet, including::~~

~~(1) For each service offered by the CTP, the following information:~~

~~The name of the service, as it will appear on customer bills;~~

~~The name of the service as it will appear on company provisioning documents, if different;~~

~~A brief description of service;~~

~~The price at which the service is offered; and~~

~~The date on which the price is effective.~~

~~(c) Any rate schedule of more than 10 pages shall include:~~

~~A table of contents; and~~

~~Numbered pages.~~

~~(d) The authorized representative of the CTP shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.09 Form CTP-34 Discontinuance of Operations.

~~(a) On the "Discontinuance of Operations" form required by Puc 451.12 the CTP shall include:~~

~~(1) The CTP's legal name;~~

~~(2) The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~The email address;~~

~~(6) The number of New Hampshire customers affected;~~

~~(7) The printed name and title of the signatory; and~~

~~(8) The effective date of discontinuance.~~

~~(b) On the form the CTP shall attest that:~~

~~The filing of the "Discontinuance of Operations" form does not, by itself, constitute authority to discontinue any service; and~~

~~The CTP shall provide written notice to customers, as provided in Puc 451.12.~~

~~(c) The CTP shall attach:~~

~~A copy of the CTP's notice to its customers; and~~

~~Evidence that all CTP customers have received refunds for any and all credits, deposits, or prepayments due them.~~

~~(d) The authorized representative of the CTP shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.10 Form CTP-35 Withdrawal of Application or Authorization.

~~(a) On the "Withdrawal of Application or Authorization" form required by Puc 451.03 the CTP shall include:~~

~~(1) The CTP's legal name;~~

~~(2) The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~a. The name and title;~~

~~b. The mailing address;~~

~~c. The telephone and fax numbers; and~~

~~d. Email address;~~

~~(6) The printed name and title of the signatory; and~~

~~(7) Proposed date of withdrawal as business entity in New Hampshire.~~

~~(b) The CTP shall affirm that:~~

~~(1) The CTP has never served customers in New Hampshire;~~

~~(c) The CTP owes no New Hampshire end user any deposits or refunds;~~

~~(d) The CTP's rate schedule is withdrawn; and~~

~~(e) The CTP's intent to use the uniform tariff, if applicable, is withdrawn.~~

~~(f) —~~

~~(g) On the form the CTP shall include a sworn and notarized attestation that states that information on the form is true and correct to the best of the individual's knowledge and belief and that the signatory has the responsibility and authority to make the attestation.~~

~~(h) The attestation pursuant to (c) above shall be signed and dated by the authorized representative of the CTP.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.11 Form CTP-36 Transfer of Customer Base.

~~(a) On the "Transfer of Customer Base" form required by Puc 458.01 the CTP shall include:~~

~~(1) Information regarding both the transferor and transferee, including:~~

~~a. The CTP's legal name;~~

~~b. The trade name the CTP uses with its customers;~~

~~c. The CTP's FEIN;~~

~~d. The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~e. Contact information for the person responsible for the information on the form, to include:~~

~~1. The name and title;~~

~~2. The mailing address;~~

~~3. The telephone and fax numbers; and~~

~~4. Email address;~~

- ~~f. The printed name and title of the signatory; and~~
- ~~(2) The effective date of the transfer;~~
- ~~(3) The number of New Hampshire customers affected; and~~
- ~~(4) The name under which the transferee will be providing service in New Hampshire.~~
- ~~(b) The transferee shall attach an updated Form CTP-1 Contact Information for the transferee.~~
- ~~(c) The authorized representative of each CTP shall:~~
 - ~~(1) Sign and date the form; and~~
 - ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source: #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 469.12 Form CTP-37 Change In Ownership.

- ~~(a) On the "Change in Ownership" form required by Puc 458.02 the CTP shall include:~~
 - ~~(1) Information regarding both the transferor and transferee, including:~~
 - ~~a. The CTP's legal name;~~
 - ~~b. The trade name the CTP uses with its customers;~~
 - ~~c. The CTP's FEIN;~~
 - ~~d. The CTP's authorization number, or date of application if the authorization number is not yet available;~~
 - ~~e. Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~f. The printed name and title of the signatory; and~~

~~(2) The effective date of the change;~~

~~(3) The number of New Hampshire customers affected; and~~

~~(4) The name under which the transferee will be providing service in New Hampshire.~~

~~(b) The transferee shall attach an updated Form CTP-1 Contact Information for the transferee.~~

~~(c) The authorized representative of each CTP shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source:

~~#8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)~~

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES