

Readopt with amendments Puc 400, effective 5-10-05 (Document # 8348), so that Puc 400 reads as follows:

CHAPTER Puc 400—RULES FOR ~~TELECOMMUNICATIONS~~ TELEPHONE UTILITIES

PART Puc 401 ~~PART Puc 401~~—PURPOSE AND APPLICATION

Puc 401.01 Purpose. The purpose of this chapter is to prescribe rules and to establish standard procedures, general business rules, and guidelines for ~~telecommunications providers~~ telephone utilities in order to enable providers to comply with relevant statutes and commission orders.

Puc 401.02 Application. Parts 401 through ~~418~~409 of this chapter shall apply to all ~~ELECs and ILECs~~ telephone utilities except to the extent preempted by the Telecommunications Act of 1996. ~~Parts 420 through 425~~ Part 410 of this chapter shall apply to all ILECs except to the extent preempted by the Telecommunications Act of 1996. ~~In addition, the following commission rules~~ Parts 411 through 412 of this chapter shall apply to all ILECs not operating as ELECs and ILECs except to the extent preempted by the Telecommunications Act of 1996. These rules do not apply to VoIP and IP enabled services pursuant to RSA 362:7, II or to Cellular Mobile Radio Communications pursuant to RSA 362:6. In addition, the following commission rules shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996:

Puc 102, relative to definition of terms

Puc 200, procedural rules;

Puc 800, underground utility damage protection program;

Puc 1300, utility pole attachments; and

Puc 1600, tariffs.

PART Puc 402 ~~PART Puc 402~~—DEFINITIONS

~~Puc 402.01~~**Puc 402.01** “Accident notification roster” means the ordered list of commission staff members to be contacted about reportable ~~or significant~~ accidents which is available on the commission web site.

~~Puc 402.02~~**Puc 402.02** “Basic service” means ~~telephone service providing all of the following capabilities:~~

(a) ~~-~~Safe and reliable single-party, single-line voice service;

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

~~(c) (c)-~~The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;

~~(d) (d)-~~The opportunity to presubscribe to interLATA toll carriers;

~~(e) (e)-~~The opportunity to presubscribe to intraLATA toll carriers;

~~(f) (f)-~~Dialing parity;

~~(g) (g)-~~Number portability;

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

~~(i) (i)-~~Access to statewide directory assistance;

~~(j) (j)-~~Telecommunications relay service (TRS);

~~(k) (k)-~~A published directory listing, at the customer’s election;

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

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

(1) ~~-~~Is available to all customers without a recurring charge;

~~(2) (2)~~ Is provided upon customer request without charge to customers who have elected non-published telephone numbers;

~~(3) (3)~~ Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and

~~(4) (4)~~ Is available without a non-recurring charge when requested with installation of basic service;

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

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

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

~~Puc 402.03 "Change in ownership" means the complete acquisition of a carrier by another entity wherein the carrier retains its separate corporate identity, without change in the carrier's name, customer relationships, terms or conditions of service.~~

~~Puc 402.03~~~~Puc 402.04~~ "Commission" means the New Hampshire ~~Public Utilities Commission~~public utilities commission.

~~Puc 402.04~~~~Puc 402.05~~ "Competitive Local Exchange Carrier" ~~(CLEC)~~ means a ~~telecommunications~~ carrier, and its successors and assigns, authorized by the commission after July 23, 1995 to provide ~~telecommunication~~telephone service for the public in a particular area within New Hampshire.

Puc 402.05~~Puc 402.06~~ “Competitive Toll Provider (CTP)” means any carrier authorized to provide intraLATA toll service, except for an ILEC that provides toll service exclusively to its local service customers in New Hampshire.

Puc 402.06 “Contact information” ~~means:~~ means:

(a) Name;

(b) ~~(b)~~ Title;

(c) ~~(c)~~ Complete postal mailing address;

(d) ~~(d)~~ Telephone number; and

(e) ~~(e)~~ Email address.

Puc 402.07~~Puc 402.07~~ “Cyber attack” means a deliberate, unauthorized exploitation of computer systems, technology-dependent enterprises and networks.

Puc 402.08~~Puc 402.08~~ “Dial tone” means an aural tone that indicates to the telephone end-user that the handset is able to place a call.

Puc 402.09~~Puc 402.09~~ “~~Essential~~ “Excepted Local Exchange Carrier (ELEC)” means:

(a) An incumbent local exchange carrier providing telephone services to 25,000 or more lines; or

(b) An incumbent local exchange carrier providing service” ~~means~~ to less than 25,000 lines that elects to be excepted, upon the filing with the commission of a written notice advising of said election; or

(c) Any provider of telecommunications services that is not an incumbent local exchange carrier.

Puc 402.10 “Incumbent local exchange carrier (ILEC)” means an entity, and its successors and assigns, authorized under law or by the commission before July 23, 1995, to provide telephone exchange service ~~providing all of the following capabilities:~~

Puc 402.11 “Incumbent local exchange carrier operating as an excepted local exchange carrier (ILEC–ELEC)” means an ILEC which also meets the definition of an ELEC.

Puc 402.12 “Incumbent local exchange carrier not operating as an excepted local exchange carrier (ILEC–NELEC)” means an ILEC which does not meet the definition of an ELEC.

Puc 402.13 “Payphone” means any telephone made available to the public on a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is activated by depositing coins, by calling collect, or by using a credit card.

Puc 402.14 “Payphone Service Provider (PSP)” means a person or entity that offers telephone service on a fee per call basis with payment due at the time of the call, and that has been issued a certificate of registration by the commission to provide payphone service.

Puc 402.15 “Reportable accident” means an accident occurring in New Hampshire in connection with the utility’s property or facilities in which:

- (a) A fatality has occurred;
- (b) A serious injury has occurred;
- (c) Property damage over \$100,000 has occurred, to the extent known by the utility;
- (d) An electrical contact has occurred;
- (e) A state highway has been closed; or
- (f) Consequences of a magnitude or severity comparable to those described in (a) through (e) above are involved.

Puc 402.16 “Rural Telephone Company (RTC)” means an ILEC meeting the definition of rural telephone company under 47 U.S.C. § 153(44).

~~(a) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;~~

~~(b) Access to the universal emergency telephone number 911 pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;~~

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

~~Puc 402.17 Access to telecommunications relay services pursuant to~~ “Secretary of state certificate of authority” means the certificate of legal existence, certificate of authority, or

other certification issued by the New Hampshire secretary of state which authorizes an entity to transact business in the state.

Puc 402.18 “Significant facility disruption” means an outage of facilities owned, operated, leased or otherwise utilized by a telephone utility that is at least 30 minutes in duration and that:

- (a) Potentially affects at least 900,000 user minutes;
- (b) Affects at least 1,350 DS3 minutes;
- (c) Potentially affects any special offices and facilities listed in 47 C.F.R. § 4.5(b); or
- (d) Potentially affects a 911 special facility as defined in 402.19; and 47 C.F.R. § 4.5(e).

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

Puc 402.19~~Puc 402.10~~ “Telecommunications relay service (TRS)” means a service that enables telephone communication between hearing people and people who are deaf, hard of hearing or speech impaired.

Puc 402.20 “Telephone utility” ~~“Excepted Local Exchange Carrier (ELEC)”~~ means a corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone messages for the public, including ~~competitive incumbent~~ local exchange carriers, ~~interexchange and excepted local exchange~~ carriers, ~~and payphone providers, with the following exceptions:~~

- ~~(a) Municipal corporations and county corporations operating within their corporate limits;~~
- ~~(b) Providers of Cellular Mobile Radio Service;~~
- ~~(c) An ILEC providing telephone services to fewer than 25,000 lines, until it notifies the commission that it has elected to be classified as an Excepted Local Exchange Carrier.~~

~~Puc 402.11 “Gross utility revenue” means revenue earned by the utility from New Hampshire customers for voice service. Gross utility revenue includes any payphone revenues. When a utility offers a combination of voice services and non-utility services such as Internet or video for a single price, gross utility revenue portion shall be calculated based on the prices at which the voice services are offered on a standalone basis. If the utility does not offer the voice services on a standalone basis, the calculation shall be based on the prices at which the largest ILEC in the state offers such services.~~

~~Puc 402.12 “Incumbent local exchange carrier” (ILEC) means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, to provide telephone exchange service. “ILEC” includes Rural exemption ILECs, non-exempt ILECs, ILEC ELECs, and ILEC NELECs as described below.~~

~~(a) “ILEC Excepted Local Exchange Carrier” (ILEC ELEC) means:~~

~~(1) An ILEC providing service to 25,000 or more access lines; or~~

~~(2) An ILEC that has notified the commission that it chooses to be considered an ILEC/ELEC.~~

~~(b) “ILEC Not an Excepted Local Exchange Carrier” (ILEC NELEC) means an ILEC which is not an ILEC/ELEC.~~

~~(c) “Non-exempt ILEC” means an ILEC that is not exempted from the obligations of 47 USC 251(c).~~

~~(d) “Rural exemption ILEC” means an ILEC exempted from the obligations of 47 USC 251(c).~~

~~Puc 402.13 “Internet Protocol” means the network communications protocol specification adopted as a standard by the Internet Engineering Task Force (IETF) in RFC 791, inclusive of protocol specifications that the IETF identifies as obsoleting or updating RFC 791.~~

~~Puc 402.14 “IP-enabled service” means any service, capability, functionality, or application provided using Internet Protocol, that enables an end-user to send or receive a communication in Internet Protocol format, regardless of technology. No service included in the definition of “Voice over Internet Protocol service” shall be considered an IP-enabled service.~~

~~Puc 402.15 “Reportable accident” means an accident in connection with the utility’s property, facilities or service which:~~

~~(a) Involves telephone cable clearances;~~

~~(b) Involves aircraft, trains or boats;~~

~~(c) Results in closure of a state highway;~~

~~(d) Is likely to be, or has been, reported on television; or~~

~~(e) Involves consequences of a magnitude or severity comparable to those described in (a) through (d) above.~~

~~Puc 402.16 “Secretary of state certificate of authority” means the Certificate of Legal Existence, Certificate of Authority, or other certification issued by the New Hampshire secretary of state which authorizes an entity to transact business in the state.~~

~~Puc 402.17 “Significant accident” means a reportable accident in which:~~

~~(a) (a) A fatality has occurred;~~

~~(b) Any person has received an injury which requires in-patient hospitalization, to the extent known by the utility;~~

~~(c) Any person has received an injury which incapacitates that person from active work for a total of six days or more during the 10 days immediately following the accident, to the extent known by the utility;~~

~~(d) Property damage over \$25,000 has occurred, to the extent known by the utility;~~

~~(e) An electrical contact has occurred; or~~

~~(f) Damage to the utility’s facilities interrupts service to all of the utility’s customers in an entire telephone exchange or municipality for a period of 15 minutes or longer.~~

~~Puc 402.18 “Significant service outage” means an outage of any portion of essential telephone service as defined in 402.09 in New Hampshire that affects:~~

~~(a) An entire exchange;~~

~~(b) All customers in a similar manner, such as interconnection failures;~~

~~(c) 250 or more access lines and lasts more than 30 minutes;~~

~~(d) 5000 or more access lines; or~~

~~(e) The majority of customers in a municipality.~~

~~Puc 402.19 “Telecommunications relay service” (TRS) means a service that enables telephone communication between hearing people and people who are deaf, hard of hearing or speech impaired.~~

Puc 402.21~~Puc 402.20~~ “Transfer of customer base” means the ~~merger, acquisition, through a sale or transfer, lease of all or other change in ownership a part~~ of the customer base, franchise, works or system, or any part of such customer base, franchise, works or system, of a carrier, which involves a change in the carrier’s name, customer relationships, or terms and conditions of service of another carrier.

~~Puc 402.22Puc 402.21~~ “Utility filing information” **means:**
~~(a) means:~~

~~(a)~~ The utility’s legal name;

~~(b) (b)~~ The utility’s ~~VSP~~telephone utility identification number, if one has been provided by the commission;

~~(c) (c)~~ Each trade name the utility uses with its customers;

~~(d) (d)~~ The utility’s complete mailing address;

~~(e) (e)~~ The utility’s telephone number;

~~(f) (f)~~ The utility’s email address;

~~(g) (g)~~ The utility’s web site address;

~~(h) (h)~~ The utility’s federal employer identification number (FEIN);

~~(i) (i)~~ The printed name and title of the authorized representative signing the form;

~~(j) (j)~~ The current date; and

~~(k) (k)~~ Certification by signature that the information on the form is true and correct to the best of the authorized representative’s knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

~~Puc 402.23Puc 402.22~~ “Voice ~~over Internet Protocol~~ service” **means a service that:**
~~(a) Enables real time, two-way voice communications that originate from or terminate in the user’s location in Internet Protocol;~~

~~(b) Requires a broadband connection from the user’s location; and~~

~~(c) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.~~

~~Puc 402.23 “Voice service” means the conveyance of telephone messages for the public, regardless of technology used.~~

~~Puc 402.24 “Voice Service Provider” (VSP) means any ELEC or any ILEC.~~

~~Puc 403 PART TELEPHONE UTILITY REQUIREMENTS~~

~~Puc 403.01 Purpose. The purpose of this part is to establish requirements for all telephone utilities.~~

~~Puc 403.02 Application. ILECs and ELECs shall comply with~~ Puc 403

~~RESERVED~~

~~Puc 404 RESERVED~~

~~Puc 405 RESERVED~~

~~Puc 406 RESERVED~~

~~Puc 407 RESERVED~~

~~Puc 408 RESERVED~~

~~Puc 409 through 409 RESERVED.~~

~~Puc 410 RESERVED~~

~~Puc 411 VSP TELEPHONE UTILITY REGULATORY REQUIREMENTS~~

~~Puc 404.01 Puc 411.01~~ Registration of ~~VSPs~~ Telephone Utilities Previously Authorized as ~~CLECs, CTPs, PSPs, or ILECs.~~

~~(a) (a)~~ Each entity registered on the effective date of this rule as a ~~Competitive Local Exchange Carrier as defined in Puc 402.05 CLEC~~ whose registered services include voice service as defined in Puc 402.23 shall ~~become~~ registered as ~~a Voice Service Provider an ELEC~~ authorized to provide voice service in the same area for which it was authorized by the CLEC registration. Each such CLEC ~~shall be provided with that has not previously been issued a VSP telephone utility identification number, at which time its VSP authorization shall commence and its CLEC authorization shall expire, shall be provided with one.~~

~~(b)~~ ~~(b)~~ Each entity registered on the effective date of this rule as a ~~Competitive Local Exchange Carrier as defined in Pue 402.05~~ CLEC whose registered services do not include voice service ~~as defined in Pue 402.23~~ shall be notified that VSPELEC registration is not required for the provision of its services, ~~and its CLEC authorization.~~

~~(c)~~ Each entity registered on the effective date of this rule as a CTP shall expire, become registered as an ELEC authorized to provide voice service in the same area for which it was authorized by the CTP registration. Each such CTP that has not previously been issued a telephone utility identification number shall be provided with one.

~~(d)~~ ~~(e)~~ Each entity operating on the effective date of this rule as an ~~Incumbent Local Exchange Carrier as defined in Pue 402.12~~ ILEC shall be ~~registered as a Voice Service Provider~~ authorized to provide voice service ~~as defined in 402.23~~ in its ILEC franchise area; and shall be provided with a VSP telephone utility identification number, ~~at which time its VSP authorization shall commence. Its status as an ILEC shall be unaffected by this registration.~~

~~(e)~~ Pue 411.02 Each entity registered on the effective date of this rule as a PSP shall become registered as an ELEC authorized to provide pay telephone service in the same area for which it was authorized by the PSP registration. Each such PSP that has not previously been issued a telephone utility identification number shall be provided with one.

(f) Previous CLEC, CTP and PSP authorizations issued by the commission shall expire ninety days after the effective date of these rules.

Pue 404.02 Authorization Required to Provide ~~Non-IP~~ Voice Service.

~~(a)~~ ~~(a)~~ No person or entity shall provide voice services ~~as defined by Pue 402.23 other than VoIP or IP-enabled services~~ in any area of New Hampshire unless and until that person is registered as a ~~VSP~~ ELEC authorized in that area.

~~(b)~~ ~~(b)~~ To apply for authorization to provide voice service ~~other than VoIP or IP-enabled services~~ a person or entity shall file a completed Form VSPT-8 Application for Registration to Provide ~~Non-IP~~ Voice Service ~~as defined in Pue 416.09.~~

~~(c)~~ ~~(e)~~ ~~Rural exemption ILEC territory.~~ If the applicant seeks to provide service in the territory of ~~a rural exemption ILEC as defined in Pue 402.12, such ILEC~~ an RTC, such RTC shall be provided an opportunity to propose to the commission that the VSPELEC be required by the commission to meet the requirements of 47 USC U.S.C. § 253(f) regarding eligible

telecommunications carrier qualifications before providing such service. The commission shall determine whether to impose such a requirement through an adjudicative proceeding.

(d) ~~(d)~~ If an applicant seeking to provide service in the territory of an RTC indicates in its petition that it will meet the requirements of 47 U.S.C. § 253(f) regarding eligible telecommunications carrier qualifications, then subsection (c) above shall not apply.

(e) Unless the commission denies an application for ELEC registration pursuant to Puc 404.03, the commission shall authorize the applicant to provide voice service in the specified territory and issue the applicant a telephone utility identification number if the applicant was not previously assigned one. Such authorization may include any requirement imposed pursuant to (c) above.

Puc 404.03 Denial of Registration.

~~(1)~~ When determining whether to grant or deny an application for registration pursuant to Puc 404.02, the following provisions shall apply:

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

(1) ~~a~~ Have committed an act that would constitute good cause to find a violation under these rules;

(2) ~~b~~ 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) ~~c~~ Knowingly made a material false statement of fact in the application; or

(4) ~~d~~ 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

(b) ~~(2)~~ In the event that the commission denies an application for registration, the applicant may, within 30 days, file a request for reconsideration.

~~(e) Unless the commission denies an application for VSP registration pursuant to (d) above, the commission shall issue a VSP identification number authorizing the applicant to provide voice service in the specified territory. Such authorization may include requirements imposed pursuant to (c) above.~~

~~Puc 411.03 Providing VoIP and IP Enabled Services.~~

~~(a) A VSP shall be permitted to offer any Voice over Internet Protocol service as defined in Puc 402.22 at any location within the state without commission authorization.~~

~~(b) A VSP shall be permitted to offer any IP enabled service as defined in Puc 402.14 at any location within the state without commission authorization.~~

~~(c) A VSP not previously registered pursuant to Puc 411.01 or 411.02 which provides VoIP and/or IP enabled services shall notify the commission not later than 60 days after the later of:~~

- ~~—— (1) First offering any voice service as defined in Puc 402.23 in New Hampshire; or~~
- ~~—— (2) The effective date of this rule.~~

~~(1) Such notification shall include Form VSP-1 Contact and Trade Name Information, as defined in Puc 416.02.~~

~~(2) The commission shall assign a VSP identification number in response to such notification and notify the VSP of the identification number.~~

~~Puc 411.04.04 Assessment. A VSP Telephone utilities~~ shall be assessed pursuant to RSA 363-A:2, ~~and shall remit such assessment to the commission, pursuant to RSA 363-A:4.~~

~~Puc 411.04.05 Tariff for Wholesale Services. A VSP~~

~~(a) Telephone utilities that offers telecommunications services, including but not limited to access service, offer wholesale services to other telecommunications carriers shall maintain a complete tariff of such services with the commission, pursuant to Puc 1600, for:~~

~~(1) Puc 411.06 Web Site. A VSP shall maintain a web site listing Services required by 47 U.S.C. § 251 (c);~~

~~(2) Services referred to as tariffed in interconnection agreements filed pursuant to 47 U.S.C. § 252; and~~

~~(3) Intrastate access service.~~

(b) When a telephone utility's intrastate access tariff is the same as its interstate access tariff the interstate tariff may be filed pursuant to Puc 1600 as the intrastate tariff.

Puc 404.06 Web Site.

(a) Each ELEC and ILEC shall post the rates, fares, charges, prices, terms, and conditions of all voice services offered to end users, and shall ensure that the web site is accessible to the public on its publicly available website.

(b) ILECs not operating as ELECs whose tariffs are published on the commission's website shall have met the requirement of (a) above.

Puc ~~411~~404.07 -Accident Notifications.

(a) ~~A VSP~~ Each ELEC and ILEC shall notify the commission ~~of immediately by telephone when it becomes aware that a~~ reportable accidents as defined in 402.15 within the state of New Hampshire accident has occurred in connection with its facilities, or property or service within the state of New Hampshire.

(b) ~~In the event of a significant accident pursuant to Puc 402.17 definitions, the VSP shall notify the commission by telephone as follows:~~

(1)(b) ~~During regular commission hours, the VSP~~The ELEC or ILEC shall contact the first representative listed for telephone accident notifications on the accident notification roster as defined in Puc 402.01, at the ~~commission~~ telephone number provided, and, if that representative is unavailable, the ~~VSP~~ELEC or ILEC shall work sequentially through the accident notification roster until it speaks directly with one of the commission representatives listed therein.

(2) ~~Outside of regular~~(c) If direct contact with a commission ~~hours~~ representative is not successful, the ~~VSP~~ELEC or ILEC shall:

a. ~~Call~~ call the commission general telephone listing, provided in the accident notification roster, and leave a voice mail message:

1. (1) Identifying the ~~VSP~~ELEC or ILEC and the name and return telephone number of the individual attempting to report; and

~~(2.) Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and~~

~~b. Attempt to contact a commission representative listed on the accident notification roster at the after hours telephone number provided, starting with the representative listed for telephone accident notifications, and working sequentially through the list until the VSP speaks directly with one of the commission representatives listed therein.~~

~~(3)(d)~~ The VSPELEC or ILEC shall provide the commission with the following information as soon as direct contact is made with a commission representative:

~~a. (1)~~ The name of the VSPELEC or ILEC;

~~b. (2)~~ The name of the person making the report and the telephone number at which they such person can be reached;

~~c. (3)~~ A brief description of the accident or event and location;

~~d. (4)~~ The time at which:

~~1. a.~~ The accident or event occurred; and

~~2. b.~~ The VSPELEC or ILEC was first notified of the accident or event; ~~and~~

~~e. (5)~~ A description of any fatalities, personal injuries, and damages; and

~~f. (6)~~ Any other information relevant to the cause of the accident and the extent of the damages.

~~(4) Notification of a significant accident shall not be deemed complete until a VSP's (c)~~
Direct contact required by (d) above is made when:

(1) A commission representative:

Speaks answers a telephone call from the ELEC or ILEC representative calling pursuant to a(b) above; or

~~a. (2) A~~ commission representative ~~listed on the accident notification roster; and~~

~~Communicates to the commission~~ returns a call and speaks directly with the ELEC's or ILEC's representative in response to (c) above.

~~b. (f)~~ Notification of a reportable accident shall be deemed complete once the information required ~~by (3) above~~ in (d) above has been conveyed to a commission representative.

~~(c) For all other reportable accidents, pursuant to Puc 402.15, a VSP shall notify the commission by telephone during regular business hours as outlined in (b)(1) above:~~

~~(1) On the day of the accident or event, if possible; or~~

~~(2) On the next business day.~~

~~(d)(g)~~ In addition to notifying the commission, ~~a VSP~~ an ELEC or ILEC shall file Form VSPT-3 Utility Accident Report as ~~defined~~ described in Puc ~~416.04~~ 409.03, for each reportable accident within 10 business days of the accident.

~~(e) If the VSP is unable to speak to a commission representative outside of regular commission hours, the VSP shall, as soon as possible on the next business day, contact the commission as outlined in (b)(2)a. above.~~

Puc ~~411~~ 404.08 Payphone Service.

(a) Any payphone ~~maintained by a VSP~~ shall provide, without charge to the customer:

(1) A dial tone signal;

~~(2) (2)~~ 911 emergency access; and

~~(3) (3)~~ Access to TRS ~~as defined in Puc 402.19.~~

~~(a) (b) Commission inspections. A VSP~~ An ELEC or ILEC that maintains payphones shall allow and assist the commission when it shall, from time to time, inspect the payphones it

maintains and the manner in which each such ~~VSPELEC or ILEC~~ has conformed to statutes, rules, and orders applicable to payphones.

Puc ~~411~~404.09 ~~-TRS-Charges~~.

(a) A VSPELECs and ILECs shall provide, directly or indirectly, telecommunications relay services pursuant to 47 C.F.R. § 64.603.

~~(a)~~(b) ELECs providing local service and ILECs 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.

~~(b)~~(a) A VSPELECs and ILECs 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.

Puc ~~411~~404.10 ~~-E911-Surcharge~~.

(a) A VSPELECs providing local service and ILECs shall make available the universal emergency telephone number 911 pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency.

(a) ELECs providing local service and ILECs shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.

~~(b)~~(a) A VSPELECs and ILECs shall remit monthly the amount collected pursuant to
(~~a~~) above to:

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

Puc ~~411~~404.11 ~~-General Preservation and Availability of Records~~.

(a) (a) A VSPELECs and ILECs shall preserve all records required by Puc 200, 400, and 1600 for a period of 2 years unless otherwise designated by the commission's rules governing the preservation of records.

~~(a) (b)~~ A VSPELECs and ILECs shall make available the records required to be preserved pursuant to (a) above to the commission, or its designated representative, for examination during the ~~VSP's~~telephone utility's normal business hours.

~~PART Puc 412 VSP RETAIL SERVICE~~

~~Puc 412.01 TRS Access. Each VSP shall provide, directly or indirectly, telecommunications relay services pursuant to 47 CFR 64.603.~~

~~Puc 412.02 911 Access. Each VSP shall make available the universal emergency telephone number 911 pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency.~~

~~PART Puc 405~~ Puc 412.03 VSP CONSUMER PROTECTION

Puc 405.01 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:

a. In a separate mailing;

b. As a bill insert; or

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

~~(3) (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) (e)~~ 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.

Puc 405.02~~Puc 412.04~~ Slamming Prohibited.

(a) ~~A VSPELECs and ILECs~~ shall comply with RSA 374:28-a and FCC slamming regulations, 47 ~~CFRC.F.R. §~~ 64.1100-1170 and 1190.

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

~~(c) (e)~~ ~~For repeated or flagrant slamming violations, after~~After notice and opportunity for hearing, the commission may withdraw any authorization granted to ~~the VSP under Puc 411.02, if applicable. The commission may also, or alternatively, institute a proceeding under RSA 374:41~~an ELEC or ILEC found to have engaged in flagrant and repeated slamming in violation of RSA 374:28-a.

~~(d) (d)~~ A Transfer of Customer Base pursuant to Puc 405.03 shall not constitute slamming.

Puc 405.03(1) - When a VSP proposes a Transfers of Customer Base.

~~In connection with any transfer of customer base as defined in Puc 402.20, the VSP shall notify the commission by filing Form VSP-4 Customer Bulk Transfers Report as defined in Puc 416.05.~~

~~(2) No fewer than 14 days prior to the effective date of a VSP transfer of customer base, the VSP shall provide written notice pursuant to Puc 412.03 to each affected customer in which includes:~~

~~a. Notice that the VSP shall discontinue providing VSP services to the customer;~~

~~b. Notice of the date the VSP shall discontinue providing VSP services to the customer;~~

~~c. Notice that the customer will be assigned to the proposed transferee or lessee the acquiring carrier unless the customer selects an alternate local exchange service provider;~~

~~a. (a) Notice that the change in is a telephone utility, the acquiring carrier shall be without charge to the customer; file with the commission the following documents:~~

~~e. A clear statement:~~

~~1. Of any difference in the rates, terms and conditions of service of the VSP and the rates, or terms and conditions of service of the proposed transferee or lessee VSP; or~~

~~2. That the rates, terms and conditions of service of the VSP and the proposed transferee or lessee VSP are the same;~~

~~f. The name, address and telephone number of the proposed transferee or lessee VSP; and~~

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

~~(1) (3) A VSP shall provide a copy of the notice described in (d)(2) above to the commission letter notification and any subsequent notices of changed information submitted to the FCC pursuant to 47 C.F.R. § 64.1120(e), to be filed at the same time notice is sent to affected customers; of submission to the FCC; and~~

~~(2) (4) A VSP shall, within Form T-4 Transfer of Customer Base Report as described in Puc 409.04, to be filed 30 days of prior to the effective date occurrence of the transfer of customer base.~~

~~(b) In connection with any transfer of customer base, refund to its customers any applicable amounts owed. in which the acquiring carrier is not a telephone utility, the selling or transferring carrier shall file with the commission the following documents:~~

~~(5) The proposed transferee or lessee shall register as a VSP, pursuant to Puc 411.01, if not already so registered.~~

~~(e) Change in Ownership~~

~~(1) When a VSP undergoes a change in ownership as defined in Puc 402.03 it shall notify the commission by filing Form VSP-4 Customer Bulk Transfers. A copy of the letter notification and any subsequent notices of changed information submitted by the acquiring carrier to the FCC pursuant to 47 C.F.R. § 64.1120(e), to be filed within 3 days of submission to the FCC; and~~

~~(2) Form T-4 Transfer of Customer Base Report as described in Puc 416.05409.04, to be filed 30 days prior to the occurrence of the transfer of customer base.~~

~~(2) A VSP undergoing a change of ownership shall provide written notice pursuant to Puc 412.03 to each affected customer of the change in ownership, which shall include:~~

~~a. Information regarding the change in ownership;~~

~~b. Notice that the rates, terms and conditions of service of the VSP shall remain the same.~~

~~Puc 405.04~~ **Puc 412.05 Cramming Prohibited.**

~~(a) For purposes of this section:~~

~~(1) "Cramming" means a submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a customer's utility bill. Cramming does not include charges required or explicitly authorized by law.~~

~~(b) A VSP shall not engage in cramming.~~

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

~~(d) In setting the administrative fine in any such proceeding, the commission shall consider adoption by the VSP of the full set of procedures listed below to be a mitigating factor indicative of a corporate policy to prevent cramming:~~

~~(1) Bills are rendered at regular intervals that end on the corresponding day of each month.~~

~~(2) Each bill shows all factors as are necessary, so that the charges may be readily understood from the information appearing on the bill.~~

~~(3) Each bill includes the following:~~

- ~~a. The date of the current bill;~~
- ~~b. For those utilities which charge interest and/or late charges after the due date:~~
 - ~~1. The due date; and~~
 - ~~2. Any applicable penalty;~~
- ~~c. Any applicable discount;~~
- ~~d. The charges;~~
- ~~e. On the first page, a notice for questions regarding the bill including:~~
 - ~~1. The toll-free customer “Billing aggregator” means a person, other than a service telephone number of the utility;~~
 - ~~2. A statement directing customers to contact the utility regarding bill questions; and~~
 - ~~3. A statement that the customer may call the commission for further assistance after first attempting to resolve disputes with the utility, with the commission’s toll free telephone number listed.~~

~~(4) All payments made at an authorized payment agency of the utility are credited to the customer’s account and posted effective the date payment is rendered to the authorized payment agency.~~

~~(5) Bills are delivered:~~

- ~~a. Via US postal provider, who forwards a charge for a product or service; or~~
- ~~b. Via an electronic billing system when offered by the utility and elected by the customer.~~

~~(6) The utility maintains and makes available to the commission upon request an accurate account of all utility charges for a service billed to each customer and maintains records showing the information from which each bill may be readily computed. provider to the utility company for billing to the customer.~~

~~(7) Notice to Customers of Changes in Rates.~~

~~a. Prior to the effective date of any rate increase, the VSP notifies all affected customers of the rate increase pursuant to Puc 412.03, except if and to the extent that a contract between the customer and the VSP permits increases in rates over the contract term.~~

~~b. The notice in (a) above includes:~~

~~1. The new rate;~~

~~2. The effective date of the rate increase; and~~

~~3. A statement that the customer has thirty days to discontinue the service without incurring the rate increase.~~

~~c. 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.~~

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

~~Puc 412.06 Directories. A VSP shall provide reasonable access to any person or business on a non-discriminatory basis to information for the purpose of providing directory assistance or publishing telephone directories.~~

~~Puc 412.07 Confidentiality Requirements.~~

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

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

~~(1) Listen to any telephone conversation between customers; or~~

~~(2) Monitor the content of non-voice communication such as data.~~

~~(c) Employees, including operators and agents of a VSP, 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 VSP, unless, and to the extent, authorized by the commission or by state or federal law.~~

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

~~(e) A VSP shall protect Customer Proprietary Network Information (CPNI) as defined in the Communications Act of 1934, as amended, 47 U.S.C. 222(h)(1) at least to the level required by FCC regulations.~~

~~Puc 412.08 Cessation of Service. (3) "Service provider" means a person that offers a product or service to a customer and directly or indirectly sends the billable charges or credits to the utility company for billing to the customer.~~

~~(b) Telephone utilities shall not disconnect voice service based on a customer's failure to pay disputed charges from billing aggregators or service providers.~~

Puc 405.05 Number Portability Notice. Before terminating any customer's ~~essential~~ telephone service ~~as defined in Puc 402.09~~ for any reason other than customer request, ~~a VSPELECs providing local service and ILECs~~ shall provide ~~44~~10 days' notice to the customer. This notice shall include a description of the process by which the customer may transfer the telephone number to another provider.

~~Puc 412.09 Lifeline customers. When a VSP has customers who participate in the federal Lifeline Telephone Assistance program for its services:~~

~~(a) The VSP shall apply payments on the customer account first to essential telephone service as defined in 402.09, and then to any remaining customer balance.~~

~~(b) The VSP may not disconnect the customer's essential telephone service except at the request of the customer when payment for essential telephone service is current.~~

Puc 405.06~~Puc 412.10~~ Complaints. The commission shall accept and resolve complaints from ~~VSP~~telephone utility customers regarding:

~~(a) Essential telephone service; and~~

~~(b) Alleged~~ alleged violations of the requirements of Puc ~~412~~405.01 through ~~412.09~~405.05.

PARTPuc 405.07 Public Interest Payphones

(a) For purposes of this section:

(1) "Location provider" means the property owner on whose property a payphone is situated;

(2) "Public interest payphone (PIP)" means a payphone or payphone site which the commission has determined to be necessary in the interest of health, safety and

welfare, where there would not otherwise be a payphone, in accordance with 47 U.S.C. §276(b)(2); and

(3) “Sent-paid” means paid by depositing coins in the payphone.

(b) A payphone shall be designated as a PIP when the commission finds that the payphone meets all of criteria listed in (c) below, unless the commission grants a waiver of any criterion pursuant to (e) below.

(c) The criteria for designating a payphone as a PIP are:

(1) The proposed PIP fulfills a public welfare, health or safety, policy objective;

(2) The proposed PIP would not otherwise remain or be placed at its location by the operation of the competitive marketplace;

(3) The proposed PIP is a single, stand-alone payphone and not one of a bank of payphones;

(4) The proposed PIP is not a coinless payphone;

(5) The proposed PIP accepts incoming, sent-paid phone calls;

(6) The proposed PIP is physically accessible to the general public 24 hours per day, unless extraordinary circumstances exist;

(7) The proposed PIP is located no less than 750 feet away from any other payphone, as measured along the route of ordinary pedestrian travel; and

(8) The proposed PIP provides zero compensation to the location provider or payphone lessee, whether such compensation is related to its placement or its revenues.

(d) For the purpose of (c)(7) above, any other payphone shall exclude a payphone located within a business establishment, unless that payphone is physically accessible to the public during the regular operating hours of that business establishment.

(e) Any person seeking waiver of any of the criteria listed in (c) above, shall file a petition with the commission demonstrating extraordinary circumstances, pursuant to Puc 201.05.

(f) The following entities, provided they do not currently have a signed contract with an ELEC for the provision of any payphone, may file a petition for PIP designation:

(1) A private individual;

(2) A private group; or

(3) A federal, state, or local government agency.

(g) A petition for PIP designation shall:

(1) Identify the exact location desired for the PIP, described by reference to existing landmarks in feet and inches;

(2) State that the petitioner has no contract with any ELEC for payphone service;

(3) State the public welfare, health or safety policy objective which the proposed PIP will fulfill;

(4) State the name and telephone number of the location provider where the proposed PIP is to be located;

(5) Indicate whether the location provider has consented to the placement of the PIP;

(6) State that the location provider has no contract with any ELEC providing phone service;

(7) Explain how the proposed PIP meets each of the criteria listed in (c) above; and

(8) State whether a waiver of any of the criteria is requested and provide support for any waiver so requested.

(h) Upon receipt of a petition for PIP designation, the commission shall commence an investigation to determine whether the proposed PIP meets the criteria listed in (c) above.

(i) Notwithstanding whether the location for the proposed PIP meets the requirements in (c) above, the commission shall not designate a payphone as a PIP if:

(1) The petitioner indicates, pursuant to (g)(5) above, that the location provider does not consent to the placement of the proposed PIP; or

(2) The location provider objects to the petition in writing prior to the designation of the PIP.

(j) The commission's staff shall submit a detailed report of its investigation and conclusions to:

(1) The commission;

(2) The petitioner;

(3) The office of the consumer advocate; and

(4) The location provider.

(k) After reviewing the commission staff's report, the commission shall either:

(1) Determine that the proposed site meets the criteria and issue an order designating the payphone as a PIP; or

(2) Determine that the proposed site does not meet the criteria and notify the petitioner and any parties of the reasons for the negative conclusion.

(l) The persons notified pursuant to (k) above shall have 30 days from the date of notification to:

(1) Rectify any deficiencies identified by the commission; or

(2) Request a public hearing on the issues.

(m) A request for public hearing, made pursuant to (l)(2) above, shall identify the issues, including but not limited to:

(1) Requests for waivers of any listed criteria, if any; and

(2) Objections to the commission staff's report, if any.

(n) The commission shall grant the request for public hearing and provide notice of same by publication of an order published in a newspaper of local circulation in the affected geographic area.

(o) If, based on the evidence presented at hearing, the commission determines that the proposed site meets the criteria or that a waiver of the criteria is warranted, it shall issue an order designating the payphone as a PIP.

(p) The commission shall compensate ELEC's for providing PIPs from the fund created by RSA 374:22-q, I.

(q) Upon receipt of a request from the location provider to remove a PIP, the commission shall remove the PIP designation immediately, whereupon:

(1) The ELEC operator of the PIP shall provide clear and conspicuous notice of the change in designation on the PIP itself; and

(2) Such notice shall include the toll-free number of the commission's Consumer Affairs Division and the commission's web site address.

(r) Subsequent to the designation of a PIP, any party may petition, or the commission may initiate a proceeding, for the removal of the PIP designation of any payphone, pursuant to the following process:

(1) A petition for removal shall detail the reasons the PIP no longer meets the criteria listed in (c) above;

(2) The petitioner for removal shall send a copy of the petition to the original petitioner for the PIP designation;

(3) The commission shall serve the order of notice upon the petitioner and all parties to the original PIP designation case;

(4) The petitioner for removal shall publish the order of notice pursuant to Puc 413 VSP203.01, but shall publish the notice in the form of an advertisement rather than as a legal notice; and

(5) Prior to the public hearing, the commission's staff shall conduct an investigation and submit a report pursuant to the process described in (h) above.

PART Puc 406 TELEPHONE UTILITY EQUIPMENT AND FACILITIES

Puc 406.01~~Puc 413.01~~ Construction, Installation and Maintenance of Physical Plant.

(a) ~~A VSP~~Telephone utilities shall construct, install and maintain ~~its~~their plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2012 edition.

~~(b) (b) A VSP~~Telephone utilities shall construct, install and maintain ~~its~~their plant, structures, equipment, and lines to prevent interference with service furnished by other carriers and by other public service facilities, such as cable, fire alarm, electric, water, sewer, gas, or steam facilities.

~~(c) A VSP shall, at regular intervals, test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate, and continuous operation of its system, repairing, adjusting, and replacing any equipment and facilities as needed.~~

~~(d) A VSP shall preserve records of any and all tests and inspections, required by (a) through (c) above, pursuant to Puc 411.10, regarding preservation of records.~~

~~(e) The records preserved pursuant to (d) above shall be made available to the commission, on a confidential basis, upon request, and shall contain:~~

- ~~(1) The equipment tested or inspected;~~
- ~~(2) The reason for the test or inspection;~~
- ~~(3) The general conditions under which the test or inspection was made;~~
- ~~(4) The general result of the test; and~~
- ~~(5) Any corrections which were made subsequent to the test or inspection.~~

~~Puc 413.02 Restoration of Service. When a customer's essential telephone service as defined in 402.09 is reported or found to be out of order or degraded, the VSP shall restore the service as promptly as possible.~~

~~Puc 406.02~~**Puc 413.03** Emergency Operations.
~~(a) A VSPELECs and ILECs~~ shall make reasonable provisions to meet emergencies resulting from any of the following:

- ~~(1)~~**(a)** Failures of commercial power service;
- ~~(b)~~ **(2)** Sudden and prolonged increases in traffic;
- ~~(c)~~ **(3)** Illness, strike, or labor unrest of employees;
- ~~(d)~~ **(4)** Failure of a supplier to deliver materials or supplies;
- ~~(5)~~ **(e)** Civil unrest;
- ~~(6)~~ **(f)** Cyber attacks; or

(g) ~~(7)~~ 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.

Puc 406.03(b) A VSP shall establish plans Significant Facility Disruption.

~~ELECs 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 essential telephone service as defined in Puc 402.09.~~

~~(e) 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.~~

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

~~Puc 413.04 Service Outages. A VSP^{ILECs} shall report significant service outages as defined in 402.18, by calling the commission within the following time frames:~~

~~(a) (a) For outages which occur during regular commission hours, within 60 facility disruptions by e-mail notification to TelOutages@puc.nh.gov within 120 minutes of occurrence; and,~~

~~(b) Otherwise, by 9:00 a.m. on the business day following the outage.~~

~~(b) (c) A VSP shall report significant service outages The e-mail notification sent pursuant to (a) above must accept reply messages from the commission.~~

~~(c) In the event the ELEC or ILEC does not receive confirmation of receipt of the e-mail from the commission, it shall place a call to the Commission's main number to report the significant facility disruption.~~

~~(d) ELECs and ILECs shall report significant facility disruptions in writing to the commission on Form VSPT-5 Service Outages Facility Disruption Report defined as described in Puc 416.06409.05, which shall be filed within 10 days of the outage disruption.~~

~~Puc 413.05 Safety Instructions. A VSP 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.~~

~~Puc 413.06 Commission Inspections. A VSP shall allow and assist the commission when it shall, from time to time, inspect the works and system of a VSP and the manner in which each such VSP has conformed to statutes, rules, and orders.~~

PART Puc 407 PART Puc 414 VSPELEC AND ILEC INTERCARRIER OBLIGATIONS

Puc 407.01~~Puc 414.01~~ Intercompany Cooperation. ~~A VSP~~ ELECs and ILECs shall cooperate with all carriers to ensure a ubiquitous ~~telecommunications~~telephone network in New Hampshire capable of completing all calls, over which customers perceive no transition from one carrier to the next.

Puc 407.02~~Puc 414.02~~ Provision of Interconnection.
(a) ~~A VSP has the duty to~~ ELECs and ILECs shall interconnect directly or indirectly with the facilities and equipment of other ~~telecommunications~~ carriers.

~~(b) A VSP interconnecting directly with another VSP shall provide citations to necessary technical references to the interconnecting VSP[s].~~

Puc 414~~407~~.03 Network Changes.

~~(a) Network changes made by a VSP that affect direct interconnection shall be backward compatible for 3 years from the introduction of the change.~~

~~(b)~~ At least 6 months prior to network changes which may might affect existing or pending interconnections, ~~a VSPELECs and ILECs~~ shall make available ~~to affected VSPs~~ necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

Puc 414~~407~~.04 Switching and Signaling Obligations.

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

~~(b)~~ (b) A VSPELECs and ILECs shall deliver to ~~its~~their customers all calls unless screened or blocked at the customer's request.

~~(c)~~ A VSPELECs and ILECs shall provide access to operator services pursuant to the Telecommunications Act of 1996.

~~(d)~~ (d) A VSPELECs and ILECs shall provide reasonable access to all signaling information pursuant to industry protocols.

~~(e) (e) A VSPELECs and ILECs~~ shall not interfere with the transmission of signaling information.

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

Puc 414.07.05 ~~Trouble Reporting and Resolution Obligations.~~

~~(a) A VSP that receives a trouble report from its customer shall coordinate the trouble response in a timely manner.~~

~~(b) A VSP providing the customer's essential telephone service as defined in Puc 402.09 is responsible for accepting, reporting and coordinating the resolution of troubles that involve interruption of such service, regardless of who makes the report.~~

~~(c) A VSP that receives a trouble report from its customer regarding the non-completion of an outgoing call shall accept, report, and coordinate the resolution of that trouble.~~

~~(d) A VSP shall rectify customer troubles reported by another VSP in a prompt and nondiscriminatory manner.~~

~~Puc 414.06 Rights of Way. A VSP shall provide access to any pole, duct, conduit or right of way owned or controlled by the VSP in accordance with the Telecommunications Act of 1996.~~

~~Puc 414.07~~ Carrier to Carrier Migrations.

~~(a) A VSP 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.~~

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

~~(c) When acquiring a new customer, a VSP shall schedule the events of a migration and notify the customer of the timing and impact of those events.~~

~~(b) (d)~~ When migrating end users, ~~a VSPELECs and ILECs~~ 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.

~~(c) (e)~~ When porting a customer's number to another carrier, ~~a VSPELECs and ILECs~~ shall release the number without delay or consideration of any issue such as the customer's account balance.

~~(f) A VSP shall be responsible for updating any equipment or information systems as needed to direct inbound calls to the migrated customer, at least 1 business day prior to a cutover.~~

~~Puc 414.08 Intercompany Contact Information.~~

~~(a) A VSP shall provide and regularly maintain contact and escalation lists for network, interconnection and provisioning issues on its web page.~~

~~(b) Substantive changes to the location or content of the information provided in (a) above shall be updated within 5 business days.~~

~~Puc 414.09 Accessing, Maintaining, and Updating of Databases.~~

~~(a) To the extent that a VSP administers, directly or indirectly, the following databases, it shall provide reasonable access for the purpose of maintaining and updating the information therein:~~

~~(1) Directory assistance;~~

~~(2) The E911 database;~~

~~(3) The toll free 800 database; and~~

~~(4) Other databases necessary for the provision of ubiquitous service.~~

~~(d) (b) A VSP shall provide information necessary to maintain and update the following information in ELECs and ILECs that have implemented a long-term database number portability method pursuant to 47 C.F.R. § 52.23 shall port a customer's number to another carrier in accordance with 47 C.F.R. §52.35.~~

~~(e) ELECs and ILECs shall not market to retain a customer as the result of receiving a request for a customer service record.~~

~~Puc 407.06 Directories.~~

~~If a timely and responsible manner:~~

~~(1) Directory assistance;~~

~~(2) The E911 database;~~

~~(3) The toll-free 800 database; and~~

~~(4) Other databases necessary for the provision of ubiquitous service.~~

~~Puc 414.10 Directory Obligations.~~

~~(a) (a) A VSP shall permit any carrier wishes to list its customers' telephone numbers in the VSP's same published white and yellow pages telephone directory or directories in which an ELEC or ILEC causes its own customers' telephone numbers to be published, the ELEC or ILEC must permit such listing on a non-discriminatory access basis.~~

~~(b) (b) — A VSP shall provide ELECs and ILECs shall provide publishers and any other person or business with reasonable, nondiscriminatory access to subscriber listing information to publishers for the purpose of publishing telephone directories on a nondiscriminatory basis or providing directory assistance, and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.~~

~~(c) (e) A VSPELECs and ILECs shall not publish or list numbers for which other VSPs ELECs or ILECs request non-directory listed or non-published status.~~

~~PART Puc 408 PART Puc 415 VSPELEC AND ILEC COMMON~~ REPORTS AND FILINGS

~~Puc 408.01 Puc 415.01~~ Due Annually.

~~(a) (a) Form VSPT-1 Contact and Trade Name Information as described in Puc 416.02, 409.01 shall be due on or before March 31 of each year, and shall cover the most recent fiscal year.~~

~~(b) (b) Form VSPT-2 Assessment Report as described in Puc 416.03, 409.02 shall be due on or before March 31 of each year, and shall cover the most recent fiscal year.~~

~~(c) (e) If the VSPELEC or ILEC operated any payphones during the previous year, it shall file Form VSPT-6 Payphone Location Report described in Puc 416.07, 409.06, on or before March 31 of each year, covering the most recent fiscal year.~~

Puc 408.02~~Puc 415.02~~ Event-Driven. A-VSP ELECs and ILECs shall file the following reports with the commission within 30 days of the event that necessitates the filing, unless otherwise specified:

(a) ~~(a)~~ A Form VSPT-1 Contact and Trade Name Information as described in Puc ~~416.02~~409.01, on the occurrence of any change in the information on the VSP's ELEC's or ILEC's most recently filed VSPT-1;

(b) ~~(b)~~ A Form VSPT-3 Utility Accident Report as described in Puc ~~416.04~~409.03, on the occurrence of a reportable accident ~~as defined in~~pursuant to Puc ~~411.06~~404.07(g);

(c) ~~(c)~~ ~~A Form VSP-4 Customer Bulk Transfers~~A Form T-4 Transfer of Customer Base Report as described in Puc 409.04, 30 days prior to the occurrence of a transfer of customer base;

A Form T-5 Facility Disruption Report as described in Puc ~~416~~409.05, on the occurrence of a ~~Transfer of Customer Base or Change in Ownership pursuant to Puc 412.04.~~

(d) ~~(d)~~ ~~A Form VSP-5 Service Outage Report as described in Puc 416.06, on the occurrence of a significant service outage, as described in Puc 413.04(e).~~facility disruption, pursuant to Puc 406.03(d);

(e) ~~(e)~~ A Form VSPT-7 Exchange Eligibility Report as described in Puc ~~418.08~~409.07, when becoming eligible to provide service in an exchange-; and

(f) A Form VSPT-8 Application for Registration to Provide ~~Non-IP~~ Voice Service as described in Puc ~~416.09~~409.08 prior to offering such service in an area in which the VSP applicant is not yet authorized.

Puc 408.03~~Puc 415.03~~ Submitting Reports and Forms.
(a) ~~A VSPELECs and ILECs~~ shall submit all reports and forms to the commission by the following methods:

~~(1)~~(a)-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) pursuant to Puc 202.05(b)——A VSP).~~

~~(c) ELEC~~s and ~~ILEC~~s making an electronic filing pursuant to ~~(a)(2b)~~ above must comply with Puc 202.~~0806~~ regarding filing requirements.

~~Puc 408.04Puc 415.04~~ Confidential Treatment. ~~A VSPELEC~~s and ~~ILEC~~s which ~~seeksseek~~ confidential treatment of any report or any portion of a report required by this section shall ~~do so pursuant to comply with the applicable provisions of~~ Puc 201.~~04~~, Puc 201.~~06~~, Puc 201.~~07~~ and Puc 203.~~08~~.

~~PART Puc 409~~ ~~PART Puc 416~~ VSPELEC AND ILEC COMMON FORMS

~~Puc 416.01~~ ~~Availability of Forms.~~

~~(a) All commission forms shall be available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm>.~~

~~(b) Forms may be submitted electronically, but a VSP must comply with Puc 200 regarding filing requirements.~~

~~Puc 409.01Puc 416.02~~ Form ~~VSPT~~-1 Contact and Trade Name Information. The “Contact and Trade Name Information” form, required by Puc ~~411.01(e), 415408.01(a), and 415~~Puc 408.02(a), Puc 409.04(e), and Puc 409.08(h), shall include:

~~(a) (a)~~Utility filing information~~as defined in Puc 402.21~~;

~~(b) (b)~~The ~~VSP's~~ toll-free number and email address for customer service;

~~(c) (c)~~The ~~VSP's~~ toll-free number and email address for repair service;

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

~~(e) (e)~~An indication of whether the ~~VSPELEC or ILEC~~ wishes to receive reports and reminders via email;

(f) ~~(f)~~ The names and titles of the principal officers of the ~~VSP~~ELEC or ILEC;

~~(g) An escalation list identifying individuals for network, provisioning, and interconnection issues;~~

(g) ~~(h)~~ Contact information ~~as defined in Pue 402.06~~ for the person responsible for regulatory matters;

(h) ~~(i)~~ Contact information ~~as defined in Pue 402.06~~ for the person that the commission's consumer affairs division shall call regarding consumer complaints from customers;

(i) ~~(j)~~ Contact information ~~as defined in Pue 402.06~~ for the director of the ~~VSP's~~ customer service department;

(j) ~~(k)~~ Contact information ~~as defined in Pue 402.06~~ for the officer responsible for customer service; and

(k) ~~(l)~~ Contact information ~~as defined in Pue 402.06~~ for the person responsible for paying assessment bills.

~~Pue 409.02~~Pue 416.03 Form ~~VSP~~VSP-2 Assessment Report. The "Assessment Report" required by Pue ~~415~~408.01(b), shall include:

(a) ~~(a)~~ Utility filing information ~~as defined in Pue 402.21~~;

(b) ~~(b)~~ The gross utility revenue ~~as defined in Pue 402.11~~ received during the period; ~~and~~

(c) ~~(c)~~ The number of New Hampshire telephone numbers in use by the ~~VSP's~~ELEC's or ILEC's customers; ~~and~~

(d) ~~Pue 416.04~~ A sworn and notarized attestation that states that the report is complete, true and accurate.

Puc 409.03 Form ~~VSPT~~-3 Utility Accident Report. The “Utility Accident Report” required by Puc ~~415~~408.02(b), shall include:

(a) ~~(a)~~ Utility filing information ~~as defined in Puc 402.21~~;

(b) ~~(b)~~ Date of the report; ~~and~~

(c) ~~(c)~~ Information regarding each reportable accident for the period, to include:

(1) The date of the accident;

(2) ~~(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;~~

(3) ~~(5)~~ A description of the extent of any property damage;

(4) ~~(6)~~ A description of the extent of any injuries;

(5) 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;~~

(6) ~~(9)~~ An indication of whether any injury was fatal;

~~(10) The date of death of any person, if applicable;~~

(7) ~~(11)~~ —An indication of whether the accident involved electric contact; and

(8) ~~(12)~~ —An indication of whether Location information for any polepoles involved in the accident ~~was licensed and properly located; and.~~

~~—(13) An indication of whether any pole anchor involved in the accident was licensed and properly located.~~

~~(d) In the event the VSP answers negatively to (c)(12) or (c)(13) above, the VSP shall provide:~~

~~(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.~~

~~(e) The VSP shall attach the following:~~

~~(1) A diagram of the accident; and~~

~~(2) A police report of the accident, if available~~

Puc 409.04~~Puc 416.05~~ Form VSPT-4 Transfer of Customer Bulk TransfersBase Report. The “Transfer of Customer Bulk TransfersBase Report” form required by Puc ~~412.04(b) and Puc 412.04(e)~~ 405.03 shall include:

~~(a) Utility filing information as defined in Puc 402.21 for the transferor;~~

(a) (b) Utility filing information ~~as defined in Puc 402.21~~ for the ~~transferee~~selling or transferring company;

(b) (e) Utility filing information for the acquiring company;

(c) The number of New Hampshire customers affected;

(d) (d) The effective date of the transfer; and

(e) (e) An attached Form VSPT-1 Contact and Trade Name Information, for the ~~transferee, as described in Puc 416.02~~acquiring company, if the acquiring company is a telephone utility, as specified in Puc 409.01.

~~(f) An indication of whether the transfer is the result of a Transfer of Customer Base, or a Change in Ownership.~~

Puc 409.05~~Puc 416.06~~ Form VSPT-5 Service Outage~~Facility Disruption~~ Report. The “Service Outage~~Facility Disruption~~ Report” required by Puc ~~413.04~~406.03(d), shall include:

(a) ~~(a)~~ Utility filing information ~~as defined in Puc 402.21~~;

(b) ~~(b)~~ The date of the report;

(c) ~~(c)~~ The date and time of the outage;

(d) ~~(d)~~ The location of the outage;

(e) ~~(e)~~ Whether an entire exchange was affected, to the best knowledge of the ~~VSPELEC~~
~~or ILEC~~;

(f) ~~(f)~~ The number of affected access lines;

(g) ~~(g)~~ The cause of the outage;

(h) ~~(h)~~ The date and time service was restored;

(i) ~~(i)~~ The name of the person contacted at the commission; and

(j) ~~(j)~~ The date and time the commission was contacted.

~~Puc 409.06~~~~Puc 416.07~~ Form ~~VSPT~~-6 Payphone Location Report. The “Payphone
Location Report” required by Puc ~~415~~~~408~~.01(c), shall include:

(a) ~~(a)~~ Utility filing information ~~as defined in Puc 402.21~~ for the payphone owner;

(b) ~~(b)~~ For each payphone the ~~VSPELEC~~ or ~~ILEC~~ has in service:

(1) ~~(1)~~ Telephone number;

(2) ~~(2)~~ Name of location;

~~(3) (3)~~ Street address;

~~(4) (4)~~ City or town and zip code;

~~(5) (5)~~ An indication of whether the payphone is located within 750 feet of another payphone; and

~~(6) (6)~~ An indication of whether the phone accepts coins; and

~~(c) (c)~~ For each payphone the ~~VSP~~ELEC or ILEC has removed from service since filing the previous ~~VSP-6 form~~report:

~~(1) (1)~~ Telephone number;

~~(2) (2)~~ Name of location;

~~(3) (3)~~ Street address;

~~(4) (4)~~ City or town and zip code;

~~(5) (5)~~ An indication of whether the payphone is located within 750 feet of another payphone; and

~~(6) (6)~~ An indication of whether the phone accepts coins.

~~Puc 409.07Puc 416.08~~ Form ~~VSP~~T-7 Exchange Eligibility Report. The “Exchange Eligibility Report” required by Puc ~~415~~408.02(e)~~),~~ shall include:

(a) Utility filing information ~~as defined in Puc 402.21; and;~~

~~(b)~~ A table listing each exchange infor which the ~~VSP~~ELEC has:

~~(1) Ported telephone numbers assigned~~ become eligible to ~~its customers~~

~~(2) Blocks of telephone numbers assigned to the VSP; or~~

~~(3) Applied for blocks of telephone numbers.~~

~~(b) (c)~~ For each such exchange, the table provide service which shall include:

~~(1) (4)~~ The exchange name, as used by the ILEC serving that exchange;

~~(2) The relevant NXX number;~~

~~(3) The NXX thousand block number, if applicable;~~

~~(2) (4)~~ Whether the VSPELEC has a collocation arrangement with the ILEC serving that exchange; and

~~(3) (5)~~ If the answer to ~~(42)~~ is 'No':

~~a. a.~~ The number of VSPELEC customers in the exchange served by ~~a VSP~~ an ELEC-owned copper or coaxial loop;

~~b. b.~~ The number of VSPELEC customers in the exchange served by ~~a VSP~~ an ELEC-owned fiber loop;

~~c. e.~~ The number of VSPELEC customers in the exchange served by an enhanced extended loop (EEL); and

~~d. d.~~ Information including name, address, and telephone number for at least one customer.

~~Puc 409.08Puc 416.09~~ Form VSP-8: VSP Application for Registration to Provide Non-IP Voice Service. The "VSPT-8 Application for Registration to Provide Non-IP Voice Service. The "Application for Registration to Provide Voice Service" required by Puc 414.02(b)f), shall include:

(a) Utility filing information ~~as defined in Puc 402.21; and;~~

(b) ~~(b)~~ Responses to:

(1) ~~(4)~~ Whether the applicant, or any of the general partners, corporate officers, ~~director~~directors 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) ~~(2)~~ Whether the applicant, or any of the general partners, corporate officers, ~~director~~directors 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- within the past 10 years;

(3) ~~(3)~~ Whether the applicant, or any of the general partners, corporate officers, ~~director~~directors of the company, limited liability company managers or officers have settled any civil, criminal or regulatory investigations or complaints- within the past 10 years;

(4) ~~(4)~~ Whether the applicant, or any of the general partners, corporate officers, ~~director~~directors 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-; and

(5) ~~(5)~~ Whether the applicant, or any of the general partners, corporate officers, ~~director~~directors 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) ~~(e)~~ 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-;

~~(g)~~ (d) The applicant shall list one to three ~~telecommunications~~ services the applicant will offer in New Hampshire, at least one of which shall be a voice service- as defined in Pue 402.23-;

(e) ~~(e)~~ The applicant shall identify its proposed service area-;

~~(f) (4)~~ The applicant shall attest to the following statements:

~~(1) (4)~~ 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) (2)~~ The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying;

~~(g) (g)~~ The applicant shall attach a copy of the company's ~~Secretary~~ secretary of ~~State~~ State ~~Certificate~~ certificate of ~~Authority as defined in Puc 402.16~~ authority;

~~(h) (h)~~ The applicant shall attach a completed Form ~~VSPT~~ -1 Contact and Trade Name Information ~~as defined in Puc 418.02~~; and

~~(i) PART~~ 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.

PART Puc 410 INCUMBENT LOCAL EXCHANGE CARRIERS (ILECs)

Puc 410.01 Purpose. The purpose of this part is to establish additional requirements for all incumbent local exchange carriers.

Puc 410.02 Application. ILECs shall comply with Puc 417 ~~RESERVED~~ 410.

~~PART Puc 418 RESERVED~~

~~PART Puc 419 RESERVED~~

~~PART Puc 420 RESERVED~~

~~PART Puc 421 ILEC RETAIL SERVICE~~

Puc 410.03 ~~Puc 421.01~~ Basic Service.

~~(a) (a)~~ An ILEC ~~must~~ shall offer basic service ~~as defined in Puc 402.02~~ throughout its service territory.

~~(b) An ILEC shall not impose any additional contractual requirements as a condition for purchasing basic service.~~

~~(b) (e) An ILEC shall not require a customer to purchase or subscribe to any other service, feature or product, whether separate from or in combination with basic service, or on an unbundled or bundled basis with basic service, in order to obtain basic service offered by the ILEC.~~

~~(c) An ILEC shall not require an existing or prospective basic service customer to waive, release or otherwise relinquish any rights or remedies under the Puc 400 rules or the statutes implemented by these rules, including, but not limited to, the right to submit a complaint to the commission pursuant to Puc 410.05.~~

~~(d) An ILEC shall not impose exit fees on a customer who cancels basic service.~~

~~(e) (d) Basic service rate increases.~~ An ILEC–ELEC shall change its rates for basic service only through the following process:

~~(1) (4)~~ After August 10, 2020, the ILEC–ELEC may increase its rates to any level without commission review or approval;

~~(2) (2)~~ Without commission review or approval, the ILEC–ELEC shall limit increases to its rates for basic service subject to the following cap in each ~~twelve~~ 12-month period beginning August 10, 2012; or the effective date of an existing alternative plan of regulation approved by the commission, pursuant to RSA 374:22-p, VIII (b):

~~a. a.~~ For customers who are enrolled in the Lifeline Telephone Assistance program, the cap is 5%; and

~~b. b.~~ For all other customers, the cap is 10%~~-%~~; and

~~(3) (3)~~ The ILEC–ELEC shall seek commission approval for additional rate increases in the event of changes in federal, state, or local government taxes, mandates, rules, regulation, or statutes.

~~(f) (e) Change to Any ILEC proposing to change its~~ basic service coverage area ~~shall~~ comply with the following provisions:

~~(1) (4)~~ An ILEC which seeks to change geographic boundaries or other policies that would change the ~~number of end users with whom a basic service customer~~ geographic area which can ~~connect~~be reached using a local call, shall petition the commission for review and approval of the change;

~~(2) (2)~~ Such petition may include a proposed rate adjustment to reflect the change in coverage; and

~~(3) (3)~~ In deciding whether to approve the proposal, the commission shall consider whether the ILEC has demonstrated that the proposed change ~~and rate help ensure~~ that;

a. Results in service comparable to or superior to the basic service offered on August 10, 2012; and

b. Does not effectively increase the price of basic service by more than the rate cap pursuant to (e) above.

~~(g) An ILEC that is available to consumers throughout all areas of the state. unable to provide basic service to a current or prospective customer upon application therefor shall comply with the following provisions:~~

~~(f) Information Required When Basic Service Cannot Be Provisioned:~~

~~(1) (4)~~ An ILEC shall keep a record as to each instance in which it is not able to supply basic service to prospective customers within 10 days following the customer's application for service;

~~(2) (2)~~ The record required by ~~(ag)~~(1) above shall be provided to the commission on request; and

~~(3) (3)~~ The record shall include:

a. ~~a.~~ The name, address, and telephone number of each applicant who was not provided service within 10 days;

~~b. b.~~ The date of application for service;

~~c. c.~~ The class of service applied for; and

~~d. d.~~ The reason the ILEC was unable to provide service within 10 days of the customer's application.

~~Puc 410.04Puc 421.02~~ ILEC Discontinuations of Basic Service.

~~(a) (a)~~ An ILEC shall not discontinue basic service to a customer without commission authorization unless:

~~(1) (1)~~ The ILEC has notified the customer that basic service will be discontinued unless prompt payment is received;

(2) Fourteen days have passed since the notice was given; and

~~(3) (3)~~ The customer's balance includes at least ~~two~~2 months of basic service charges.

~~(b) (b)~~ If an ILEC has received notification within the past 60 days from a licensed physician or mental health professional that a medical emergency exists at the location, or would result from the service discontinuation, the ILEC shall not discontinue service to the customer without commission authorization unless the customer has failed to enter into or comply with an arrangement for repayment of the outstanding balance.

~~(c) (c)~~ Nothing in (a) or (b) above shall prevent an ILEC from discontinuing basic service to a customer without commission authorization or notice to the customer when:

~~(1) (1)~~ A customer or 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) (2)~~—The customer has clearly abandoned the premises;

~~(3) (3)~~—The customer refuses to provide access to his premises for a necessary inspection of utility property; or

~~(4) (4)~~—A customer or resident in the customer's household has participated in or created the following:

a. Fraudulent use or procurement of the utility service; or

b. Tampering with the connections or other equipment of the utility.

~~Puc 410.05Puc 421.03~~ Complaints regarding basic service. The commission shall accept and resolve complaints from ILEC customers regarding basic service ~~as described in Puc 421.01.~~

~~PART Puc 422 ILEC WHOLESALE SERVICE~~

~~Puc 422.01 Resale Service.~~

~~(a) All ILEC telecommunications services shall be available for purchase for resale by other telecommunications carriers.~~

~~(b) If an ILEC desires to make a telecommunications service available only to a limited group of customers that have purchased such a service in the past, in effect grandfathering the service, the ILEC shall:~~

~~(1) Demonstrate to the commission that the action is not anti-competitive;~~

~~(2) Make the service available at existing resale rates to requesting carriers to offer on a resale basis to the same limited group of customers; and~~

~~(3) Continue to provide the service at existing resale rates to carriers in support of their existing customers.~~

~~(c) Pricing for resale services shall be non-discriminatory.~~

~~Puc 410.06Puc 422.02~~ Additional Interconnection Requirements for Non-Exempt. ILECs. ~~A non-~~ that are not exempt ILEC pursuant to 47 U.S.C. § 251(f) shall:

(a) Maintain a tariff for ~~available~~ the following:

(1) interconnection services ~~and~~;

~~(a)~~ (2) unbundled network elements; ~~and~~

(3) ~~(b)~~ collocation; and

(4) resale;

(b) Identify services available for resale in such tariff; and

(c) Provide non-discriminatory interconnection at technically feasible points within the ILEC's network, including, at a minimum:

(1) ~~(1)~~ The line-side of a local switch;

(2) ~~(2)~~ The trunk-side of a local switch;

(3) ~~(3)~~ The trunk interconnection points for a tandem switch;

(4) ~~(4)~~ Central office cross-connect points;

(5) ~~(5)~~ — Out-of-band-signaling transfer points necessary to exchange traffic at these points and access call-related databases; and

(6) ~~(6)~~ Points of access to unbundled network elements;

~~PART~~ (d) Not require collocation to achieve interconnection;

(e) Provide interconnection that has a level of quality that is equal to that which the ILEC provides itself;

(f) Provide interconnection on terms and conditions that are nondiscriminatory and no less favorable than the terms and conditions the ILEC provides to itself;

(g) Provide citations to necessary technical references to carriers who interconnect or seek to interconnect;

(h) Not charge a carrier for the cost and timely correction of violations of the National Electrical Safety Code that are not the direct result of a carrier's request to access poles, ducts, conduits or rights of way; and

(i) When reaching an agreement for interconnection services, or network elements pursuant to the Telecommunications Act of 1996, file the agreement with the commission within 30 days of execution.

Puc 423-410.07 Denial of Interconnection Requests.

(a) A carrier may submit a request for interconnection at a technically feasible point not listed in Puc 410.06 (c).

(b) A carrier whose request for interconnection at a point not listed in Puc 410.06 (c) 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 carrier's request for interconnection at a point not listed in Puc 410.06 (c) 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.

PART Puc 411 ADDITIONAL REQUIREMENTS APPLICABLE TO ILECS NOT OPERATING AS ELECS

Puc 411.01 Purpose. The purpose of the rules in this part is to establish additional requirements for ILEC-NELECs.

Puc 411.02~~Puc 423.01~~ Application. ILEC-NELECs shall comply with Puc 411 through 412.

Puc 411.03 Retail Tariff. An ILEC-NELEC shall maintain a tariff covering all ~~offered~~regulated retail ~~telecommunications~~ services.

Puc 411.04~~Puc 423.02~~ Uniform System of Accounts. Each ILEC-NELEC shall maintain and preserve its accounts and records in conformity with the "Uniform System of Accounts for Telecommunications Companies," pursuant to RSA 374:8.

Puc 411.05~~Puc 423.03~~ Short Term Debt. No ILEC–NELEC shall issue or renew any notes, bonds or other evidence of indebtedness payable less than 12 months after the date thereof if said short term debt exceeds 10% of the net depreciated value of the utility’s plant.

Puc 411.06~~Puc 423.04~~ Depreciation.

(a) An ILEC–NELEC shall file Form ILEC-4 Report of Proposed Changes in Depreciation Rates as described in Puc ~~425~~412.04, when proposing any changes in depreciation rates.

~~(b) (b)~~ An ILEC–NELEC shall not implement any change in depreciation rates until the proposed change has been approved by the commission.

Puc 411.07 Rate Case. In addition to the requirements contained in Puc 1600, an ILEC-NELEC filing a general increase in rates shall include in its filing, schedules for the two years preceding such filing, in a format comparable to that filed in the most current annual report which included the information:

(a) The following schedules of information:

(1) A list of officers;

(2) A list of directors;

(3) A list of shareholders and voting powers, including:

a. Number of shares; and

b. ~~Puc 423.05~~ Voting powers;

(4) Payment to individuals; and

(5) Management fees and expenses; and

(b) The following schedules supporting balance sheet information:

(1) An analysis of telecommunications plant accounts;

(2) An analysis of telecommunications plant-in service retired;

(3) An analysis of entries in property held for future telecommunications use;

(4) An analysis of capital leases;

- (5) An analysis of telecommunications plant acquired;
 - (6) An analysis of telecommunications plant purchased from or sold to affiliates;
 - (7) An analysis of entries in accumulated depreciation by plant account;
 - (8) An analysis of entries in accumulated amortization, for accounts 3410, 3420, 3500, and 3600;
 - (9) A schedule of receivables and investments with affiliated and nonaffiliated companies;
 - (10) Other prepayment balances;
 - (11) Other current asset balances;
 - (12) A schedule of sinking funds;
 - (13) Non-current assets;
 - (14) Deferred charges;
 - (15) Unamortized debt issuance expense;
 - (16) Long-term debt;
 - (17) Notes payable;
 - (18) Accounts payable;
 - (19) Other long term liabilities;
 - (20) Other deferred credits;
 - (21) Net deferred operating income taxes;
 - (22) Net deferred non-operating income taxes;
 - (23) Retained earnings;
 - (24) Dividends declared; and
 - (25) Capital stock - accounts 4510.1, 4510.2, 4520, 4530.1, 4530.2; and
- (c) The following schedules supporting income statement information:
- (1) Customer and corporate operations expenses – accounts 6610 and 6620 and Corporate Operations Expense – accounts 6710 and 6720;

- (2) Other operating taxes - account 7240;
- (3) Prepaid taxes and tax - accounts 1300, 4070, and 4080;
- (4) Non-operating taxes;
- (5) Extraordinary items - accounts 7610, 7620, 7630, and 7640;
- (6) Non-operating income and expense – account 7300;
- (7) Other operating income and expenses – account 7100;
- (8) Advertising and external relations;
- (9) Payments of \$10,000 or more for services received from affiliates;
- (10) Membership fees and dues; and
- (11) Donations or payments of \$5,000 or more to persons other than employees; and
- (d) Attestations, by the company’s president or chief officer and treasurer that the information contained in the schedules required in (a), (b) and (c) above:
 - (1) Has been prepared under my direction;
 - (2) The information has been carefully examined and reviewed by me;
 - (3) Is accurate to the best of my knowledge; and
 - (4) Provides an accurate statement of the position of the company;
 - (5) Signatures of each individual, referred to; and
 - (6) Printed names and titles of the individuals.

Puc 411.08 Annual Report. An ILEC–NELEC shall file Form ILEC-1 Annual Report as described in Puc ~~424~~412.01, on or before March 31 each year, covering the most recent fiscal year.

Puc 411.09~~Puc 423.06~~ Other Reports. An ILEC–NELEC shall file the following reports with the commission within 30 days of the event that necessitates the filing:

(a) ~~(a)~~ A Form ILEC-2 Petition for Authority to Issue Securities as described in Puc ~~424~~412.02, with respect to seeking authority to issue securities;

~~(b) (b)~~ A Form ILEC-3 Report of Proposed Fixed Capital Expenditures as described in Puc ~~424.03~~412.03, when:

~~(1) (1)~~ —The estimated cost of any addition, extensions, or capital improvement to its utility will exceed ~~the following reportable amounts, as shown in the table below:~~\$100,000;

Utility Plant Range	Reportable Amount
\$ 400,000 and under	\$ 5,000
400,001 to \$ 1,000,000	\$ 10,000
1,000,001 to 2,000,000	\$ 15,000
2,000,001 to 3,000,000	\$ 22,500
3,000,001 to 50,000,000	\$ 30,000
50,000,001 to 100,000,000	\$ 50,000
100,000,001 and over	\$ 100,000

~~(2) (2)~~ The reportable amount, for purposes of (b)(1) above, shall be based on the gross fixed capital, as of December 31 of the calendar year immediately preceding;
and

~~(3) (3)~~ The reporting ~~limits~~limit established in ~~(b)(1)~~ above shall apply to the total project cost, including contributions in aid of construction.

PART Puc 412 ~~PART Puc 424~~ ILEC–NELEC FORMS

Puc 412.01~~Puc 424.01~~ Form ILEC-1 Annual Report. The “Annual Report” required by Puc ~~423.05, 411.08~~ shall include:

~~(a) (a)~~ Utility filing information ~~as defined in Puc 402.21;~~

~~(b) (b)~~ Contact information ~~as defined in Puc 402.06~~ for the person responsible for the information on the form;

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

~~(d) (d)~~ The following schedules of information:

~~(1) (4)~~ A complete history of the ILEC, on Schedule A-1, General Information;

~~(2) A list of officers on Schedule A-2, List of Officers;~~

~~(3) A list of directors on Schedule A-3, List of Directors;~~

~~(4) A list of shareholders on Schedule A-4, Shareholders and Voting Powers, including:~~

~~b. a. Number of shares; and~~

~~b. Voting powers;~~

~~(2) (5)~~ A description of service territory and exchanges on Schedule A-5, List of Exchanges Served Directly, including:

~~a. a.~~ List of towns served; and

~~b. b.~~ Number of customers;

~~(6) Payment to individuals on Schedule A-6, Payments to Individuals, including:~~

~~a. Names and addresses of individuals; and~~

~~b. Amounts paid;~~

~~(7) Management fees and expenses on Schedule A-7, Management Fees and Expenses, including:~~

~~a. Dates of contracts;~~

~~b. Amounts paid; and~~

~~c. Distribution of accruals or payments;~~

~~(3) (8)~~ Important changes during the year on Schedule A-8, Important Changes During the Year, including:

a. Extensions of territory covered;

b. Purchase and sale of operating systems;

c. Details of sales, mergers and abandonments;

d. Estimated increase or decrease in annual revenues due to important rate changes;

~~e. e.~~ Changes in articles of incorporation or amendments to charter; and

~~f. f.~~ Reference to a previously filed map defining the territory, unless:

~~1. 1.~~ A map has not been previously filed;

~~2. 2.~~ There have been changes to the territory; or

~~3. 3.~~ The calendar year ends in "0" or "5"; and

~~(4) (9)~~ Financial disclosure on Schedule A-9, Financial Disclosure Reporting, that includes:

a. Data necessary to prevent the information from being misleading, such as:

~~1. 1.~~ Extraordinary or material, unusual, or infrequently occurring items;

~~2. 2.~~ Significant principles or practices from those used in the prior year; and

~~3. 3.~~ The acquisition or disposition of significant operation, assets, or liabilities;

b. Uncertainties that could affect the fairness of the information, including significant changes in the status of loss contingencies since the prior year; and

~~c. e.~~—If revenues, costs, or expenses are accrued or deferred in a manner different from that of the prior year, the method used and the amount of such accruals or deferrals;

~~(e) (e)~~ The following financial schedules:

~~(1) (4)~~ The balance sheet at year end on Schedule F-10, Balance Sheet, showing assets, liabilities, and stockholders' equity; and

~~(2) (2)~~ An income statement on Schedule F-11, Income Statement, showing changes over the prior year;

~~(f) (f)~~ The following schedules supporting balance sheet information:

~~(1) An analysis of telecommunications plant accounts on Schedule B-12A, Analysis of Telecommunications Plant Accounts, showing:~~

~~a. Balances at beginning and end of year; and~~

~~b. Current year charges and credits;~~

~~(2) An analysis of telecommunications plant in service retired on Schedule B-12B, Analysis of Telecommunications Plant In Service Retired, including:~~

~~a. Accounts charged;~~

~~b. Amounts charged or credited for plant sold with traffic; and~~

~~c. Amounts charged or credited for other plant retired;~~

~~(3) An analysis of entries in property held for future telecommunications use on Schedule B-12C, Analysis of Entries in Property Held for Future Telecommunications Use—Account 2002, including:~~

~~a. Location and description of property;~~

~~b. Date the property was recorded;~~

~~c. Book cost;~~

~~d. Additions and retirements during the year; and~~

~~e. Transfers and adjustments during the year;~~

~~(4) An analysis of capital leases on Schedule B-12D, Capital Leases, listing for each lease:~~

~~a. The type of property;~~

~~b. Present value of the lease;~~

~~c. Accumulated amortization;~~

~~d. Net book value at the end of the period;~~

~~e. Amount to be paid in the coming year;~~

~~f. The long-term portion of the obligation;~~

~~g. Amount charged to amortization during the year; and~~

~~h. Interest paid during the year;~~

~~(5) An analysis of telecommunications plant acquired on Schedule B-13A, Analysis of Telecommunications Plant Acquired—Account 1439, showing for each acquisition:~~

~~a. The vendor name;~~

~~b. Debits posted to:~~

~~1. Purchase price;~~

~~2. Reserve requirement;~~

~~3. Acquisitions expense; and~~

~~4. Other accounts;~~

~~c. Credits posted to:~~

~~1. Telecommunications plant in service;~~

~~2. Telecommunications plant adjustment;~~

~~3. Credits during the year; and~~

~~d.—Beginning and ending balances;~~

~~(6) An analysis of telecommunications plant purchased from or sold to affiliates on Schedule B-13B, Analysis of Telecommunications Plant Purchased from or Sold to Affiliates, including for each purchase:~~

~~a.—The affiliate name;~~

~~b.—Whether the transaction was a purchase or sale;~~

~~c.—Original cost;~~

~~d.—Net book value;~~

~~e.—Fair market value;~~

~~f.—Purchase price; and~~

~~g.—Sale price;~~

~~(7) An analysis of entries in accumulated depreciation by plant account on Schedule B-14A, Analysis of Entries in Accumulated Depreciation—Accounts 3100 and 3200, including for each entry:~~

~~a.—Beginning and ending balances;~~

~~b.—Credits to accumulated depreciation from;~~

~~1.—Depreciation expense; and~~

~~2.—Other credits;~~

~~c.—Charges to accumulated depreciation from:~~

~~1.—Sale of plant with traffic;~~

~~2.—Retirement of other plant; and~~

~~3.—Other;~~

~~d.—Data relating to sale of plant with traffic, including:~~

~~1.—Book cost;~~

~~2.—Selling price;~~

~~3.—Commission and other expenses; and~~

~~4.—Charge to reserves;~~

~~e.—Data relating to sale of other plant, including:~~

~~1.—Charge or credit to surplus;~~

~~2.—Book cost;~~

~~3.—Cost of removal;~~

~~4.—Salvage and insurance;~~

~~5.—Miscellaneous adjustments; and~~

~~6.—Charge to reserves;~~

~~(1) (8) —~~Basis of charges for depreciation on Schedule B-14B, Basis of Charges for Depreciation, for all subclass accounts for which a depreciation rate is determined, including:

a. Whether the depreciation rate is based on whole life or remaining life;

b. Asset life in years;

c. Net salvage as a percentage of original cost;

d. Accumulated depreciation as a percentage of original cost;

e. Prescribed depreciation rate; and

f. Ratio of depreciation charges to average monthly book cost;

~~(9) —An analysis of entries in accumulated amortization, on Schedule B-15, Analysis of Entries in Accumulated Amortization —Accounts 3410, 3420, 3500, and 3600, showing for each account:~~

~~a.—Additions during the year;~~

~~b. Clearances during the year; and~~

~~c. Basis of annual amortization charges;~~

~~(2) (10)~~ A statement of cash flows on Schedule B-16, Statement of Cash Flows, showing:

a. Cash flows from operating activities;

b. Cash flows from financing activities;

c. Cash flows from investing activities;

d. Net increase or decrease in cash; and

e. Cash at beginning and end of calendar year;

~~(11) A schedule of receivables and investments with related companies on Schedule B-17, Receivables and Investments—Affiliated and Nonaffiliated Companies as follows;~~

~~a. “Nonaffiliated” means a company for which the ILEC has an ownership interest, but the relationship does not meet the definition of affiliate, as set out in the USOA.~~

~~b. The schedule shall show:~~

~~1. For investments and receivables with affiliated companies:~~

~~(i) The name of the affiliate company; and~~

~~(ii) The year end balances of the receivables and investments with that company, entered in the proper account classifications; and~~

~~2. For investments and receivables with nonaffiliated companies the year end total of receivables and investments, entered in the proper account classifications;~~

~~(12) Other prepayment balances on Schedule B-18, Other Prepayments—Account 1330, showing:~~

~~a. A description for each prepayment item; and~~

~~b. The balance at year end;~~

~~(13) Other current asset balances on Schedule B-19, Other Current Assets—Account 1350, showing:~~

~~a. A description for each item in the other current assets account; and~~

~~b. The balance at year end;~~

~~(14) A schedule of sinking funds on Schedule B-20, Sinking Funds—Account 1408, listing for each fund:~~

~~a. The balance at year end;~~

~~b. For withdrawals that were for purposes other than those for which the fund was created, an explanation for the withdrawal;~~

~~c. If the trustee is an associated company, the name of the company; and~~

~~d. A list of each security or other asset which comprises non-cash assets, providing:~~

~~1. A description of the security or asset; and~~

~~2. If the fund is comprised of assets other than cash, provide a list of each asset in the fund showing:~~

~~(i) When applicable, the interest or dividend rate;~~

~~(ii) The cost;~~

~~(iii) When applicable, the number of shares or principal amount; and~~

~~(iv) The balance at year end;.~~

~~(15) Non-current assets on Schedule B-21, Other Non-current Assets—Account 1410, with listing the following for each item in the account:~~

~~a. A description; and~~

~~b. The balance at year end;~~

~~(16) Deferred charges on Schedule B-22, Deferred Charges—Account 1438 and 1439, listing for each account:~~

- ~~a. For charges of \$500 or more:
 - ~~1. A description of the charge; and~~
 - ~~2. The balance at year end.~~~~
- ~~b. For charges less than \$500, the total of those charges;~~

~~(17) Unamortized debt issuance expense on Schedule B-23, Unamortized Debt Issuance Expense—Account 1407, showing for each item:~~

- ~~a. Principal amount;~~
- ~~b. Debt issuance expenses;~~
- ~~c. Beginning and ending balances;~~
- ~~d. The start and end of the amortization period;~~
- ~~e. Entries posted to:
 - ~~1. Debt issuance expense; and~~
 - ~~2. Amortization of debt issuance expense; and~~~~
- ~~f. For entries other than amortization posted to the amortization of debt issuance expense account, an explanation the entry;~~

~~(18) Long term debt on Schedule B-24, Long Term Debt—Accounts 4210, 4260, and 4270, showing for each obligation in the account:~~

- ~~a. A description;~~
- ~~b. Dates of issuance and maturity;~~
- ~~c. Face amount;~~
- ~~d. Unamortized premium;~~
- ~~e. Stated interest rate; and~~
- ~~f. Interest charged to interest on funded debt account during the year;~~

~~(19) Notes payable on Schedule B-25—Account 4020, Notes Payable, listing for each obligation:~~

- ~~a. The creditor's name;~~
- ~~b. Whether the creditor is an affiliate or is nonaffiliated;~~
- ~~c. Description of the type of indebtedness, for example a note or draft;~~
- ~~d. Dates of issuance and maturity;~~
- ~~e. Balance at year end;~~
- ~~f. Interest rate, and~~
- ~~g. Interest expensed during the year;~~

~~(20) Accounts payable on Schedule B-26, Accounts Payable—Accounts 4010, 4120 and 4130, with a separate list for each account showing:~~

- ~~a. For each of the 9 largest creditors with amounts owed exceeding \$10,000:~~
 - ~~1. The name of the creditor; and~~
 - ~~2. The balance of the obligation at year end;~~
- ~~b. For amounts owed to affiliated companies:~~
 - ~~1. The name of the affiliate; and~~
 - ~~2. The balance of the obligation;~~
- ~~c. For obligations other than those in a and b above, the total balance of those obligations at year end;~~

~~(21) Other long term liabilities on Schedule B-29, Other Long Term Liabilities—Account 4310, listing separately, with a description and year end balance:~~

- ~~a. Each item with balances equal to or greater than \$10,000; and~~
- ~~b. The aggregate total of items with balances less than \$10,000;~~

~~(22) Other deferred credits on Schedule B-30-A, Other Deferred Credits—Account 4360, listing separately, with a description and year end balance:~~

- ~~a. Each item with balances equal to or greater than \$10,000; and~~

~~b. The aggregate total of items with balances less than \$10,000;~~

~~(23) Net deferred operating income taxes on Schedule B-30B, Net Deferred Operating Income Taxes—Accounts 4100 and 4340, showing:~~

~~a. Property related deferred income taxes broken out by:~~

~~1. Federal income taxes; and~~

~~2. State and local income taxes; and~~

~~b. Non property related deferred income taxes broken out by:~~

~~1. Federal income taxes; and~~

~~2. State and local income taxes.~~

~~3. Beginning and end of year balances; and~~

~~4. Current year accruals, amortization and adjustments;~~

~~(24) Net deferred non-operating income taxes on Schedule B-30C, Net Deferred Non-Operating Income Taxes—Accounts 4110 and 4350, showing:~~

~~a. Property related deferred income taxes broken out by:~~

~~1. Federal income taxes; and~~

~~2. State and local income taxes; and~~

~~b. Non property related deferred income taxes broken out by:~~

~~1. Federal income taxes; and~~

~~2. State and local income taxes.~~

~~3. Beginning and end of year balances; and~~

~~4. Current year accruals, amortization; and adjustments;~~

~~(25) Retained earnings on Schedule B-31, Retained Earnings—Account 4550, showing:~~

~~a. Reserved balances, with beginning and end of year balances;~~

~~b. Unreserved balances; with beginning and end of year balances;~~

~~e. Net income or net loss for the year;~~

~~d. Other increases and decreases;~~

~~e. Dividends paid; and~~

~~f. A total of all retained earnings items;~~

~~(26) Dividends declared on Schedule B-32, Dividends Declared—Account 4560, listed by:~~

~~a. Classes of stock;~~

~~b. Dates declared;~~

~~c. Dates payable;~~

~~d. Number of shares on which declared;~~

~~e. Dividend per share;~~

~~f. Amounts declared; and~~

~~g. Amounts paid; and~~

~~(27) Capital stock on Schedule B-33, Capital Stock, Additional Paid-in Capital and Treasury Stock—Accounts 4510.1, 4510.2, 4520, 4530.1, 4530.2, listing:~~

~~a. Classes of stock;~~

~~b. Descriptions of stocks, indicating:~~

~~1. Differences in voting rights;~~

~~2. Preferences as to dividends or assets;~~

~~3. Pledges;~~

~~4. Par or stated value; and~~

~~5. Any other pertinent details about the stock; and~~

~~c. Book value of stock issued and outstanding;~~

~~d. Additional paid-in capital;~~

~~e. Number of shares of treasury stock; and~~

~~f. Book value of treasury shares;~~

~~(g) (g)~~ The following income schedules:

~~(1) (1)~~ Operating revenues on Schedule I-34, Operating Revenues, showing by account:

a. Local network revenues;

~~b. b.~~ Network access services revenues;

~~c. e.~~ Long-distance network services revenues;

~~d. d.~~ Miscellaneous revenues;

~~e. e.~~ Uncollectible revenues; and

~~f. f.~~ Difference in revenue in comparison to preceding year;

~~(2) (2)~~ Explanations for changes in operating revenues, by account, on Schedule I-34A, Increase or Decrease in Operating Revenues, when:

~~a. a.~~ The account has a balance over \$~~500~~10,000; and

~~b. b.~~ The percentage change from the prior year is equal to or greater than 10%;

~~(3) (3)~~ Operating expenses on Schedule I-35, Operating Expenses, showing current year balances and the change from the prior year, by account, for:

~~a. a.~~ Plant specific operations;

~~b. b.~~ Plant nonspecific operations;

~~c. e.~~—Customer operations; and

~~d. d.~~—Corporate operations;

~~(4) (4)~~ Explanations for changes in operating expense, by account, on Schedule I-35A, Increase or Decrease in Operating Expenses, when:

~~a. a.~~—The account has a balance over \$~~500~~10,000; and

~~b. b.~~—The percentage change from the prior year is equal to or greater than 10%;

~~(5) Customer and corporate operations expenses on Schedule I-35B, Customer Operation Expense—Accounts 6610 and 6620 and Corporate Operations Expense—Accounts 6710 and 6720, listing by account:~~

~~a. Current year amounts and the change over the prior year;~~

~~b. A breakdown by customer operations expense for marketing and services; and~~

~~c. Corporate operations expense for:~~

~~1. Executive and planning; and~~

~~2. General and administrative;~~

~~(6) Other operating taxes on Schedule I-36A, Other Operating Taxes—Account 7240, showing tax expense by type and jurisdiction;~~

~~(7) Prepaid taxes and tax accruals on Schedule I-36B, Prepaid Taxes and Tax Accruals—Accounts 1300, 4070, and 4080, listing by tax type and jurisdiction:~~

~~a. Balances for prepaid taxes, income taxes accrued, and other accrued taxes at beginning and end of year;~~

~~b. Taxes expensed during the year, showing account charged and amount;~~

~~c. Taxes paid during the year; and~~

~~d. Adjustments during the year;~~

~~(8) Non-operating taxes on Schedule I-36C, Non-Operating Taxes, with a breakdown for each non-operating tax account for the following jurisdictions:~~

~~a. Federal;~~

~~b. State;~~

~~c. Local; and~~

~~d. Other;~~

~~(9) Extraordinary items on Schedule I-36D, Extraordinary Items—Accounts 7610, 7620, 7630, and 7640, showing:~~

~~a. A net amount for extraordinary items based on the difference between:~~

~~1. Extraordinary income credits; and~~

~~2. Extraordinary income charges;~~

~~b. Each transaction affecting extraordinary items properly classified as extraordinary income credits or extraordinary income charges, with the following detail:~~

~~c. Description of the transaction;~~

~~d. Gross amount;~~

~~e. The effect on current income taxes;~~

~~f. The effect on deferred income taxes; and~~

~~g. Reference to:~~

~~1. Commission approval for extraordinary treatment of the item; and~~

~~2. Date of commission approval;~~

~~(10) Non-operating income and expense on Schedule I-37, Non-Operating Income and Expense—Account 7300, showing each account comprising the total of non-operating income and expenses, with each account's respective current year amount for:~~

~~a. Current year; and~~

~~b. Change from the prior year;~~

~~(11) Other operating income and expenses on Schedule I-38, Other Operating Income and Expense—Account 7100, showing each account comprising the total of other operating income taxes, with each account's respective amount for:~~

~~a. Current year; and~~

~~b. Change from the prior year;~~

~~(5) (12) Expenses attributable to formal regulatory cases before federal, state, and other regulatory commissions on Schedule I-39, Special Expenses Attributable to Formal Regulatory Cases, including:~~

~~a. a. A complete description of the regulation, hearing or case;~~

~~b. b. Special assessments by regulatory commissions;~~

~~c. e. Fees, retainers, and other billed items; and~~

~~d. d. Incremental payroll costs and directly associated expenses, exclusive of c above;~~

~~(13) Advertising and external relations expenses on Schedule I-40, Advertising, showing by amounts expensed during the year for the following accounts:~~

~~a. Product advertising;~~

~~b. External advertising;~~

~~c. Special charges; and~~

~~d. Other charges other than those in a. through c. above, with the following for each entry:~~

~~1. Account number; and~~

~~2. Account title;~~

~~(14) Payments of \$10,000 or more for services received from affiliates on Schedule I-41, General Services and Licenses, including:~~

~~a. Name of affiliate;~~

~~b. Service provided, and~~

~~c. Amount paid;~~

~~(15) Membership fees and dues on Schedule I-42, Membership Fees and Dues, providing:~~

~~a. A breakdown of amounts charged to:~~

~~1. Operating expenses; and~~

~~2. Special charges.~~

~~b. An entry for each type of organization, showing for each entry:~~

~~1. The number of organizations;~~

~~2. The number of memberships; and~~

~~3. The amount paid during the year;~~

~~(16) Donations or payments of \$5,000 or more to persons other than employees on Schedule I-43, Donations or Payments for Services Rendered by Persons Other Than Employees, including:~~

~~a. Name of recipient;~~

~~b. Nature of service; and~~

~~c. Amount of payment; and~~

~~(h) (h)~~ The following plant and equipment schedules:

~~(1) (1)~~ Statistics for the count of switches and number access lines on Schedule S-1, Switches and Access Lines in Service, providing data for the following:

~~a. a.~~ Switches, showing:

~~1. 1.~~ The following switch classifications:

~~(i) (i)~~ Central office switch; and

(ii) ~~(ii)~~ Primary switch;

2. ~~2.~~ For each classification in 1 above, the number of switches at year end classified as:

(i) ~~(i)~~ Electronic;

(ii) ~~(ii)~~ Digital; or

(iii) ~~(iii)~~ Main access lines, further broken down as:

i ~~i~~ Analog; or

ii ~~ii~~ Digital; and

3. ~~3.~~ The exchange served by each central office switch; and

b. ~~b.~~ Access lines, showing:

1. ~~1.~~ The following customer type categories:

(i) ~~(i)~~ Residential;

(ii) ~~(ii)~~ Business; and

(iii) ~~(iii)~~ Other;

2. ~~2.~~ For each customer type in 1. above, the number of lines at year end for the following line types:

(i) ~~(i)~~ Analog; and

(ii) ~~(ii)~~ Digital;

~~(2) (2)~~ Statistics on outside plant related to distribution and feeder on Schedule S-2, Outside Plant Statistics – Distribution and Feeder, showing year end amounts for:

~~a. a.~~—Miles of aerial wire; ~~and~~

~~b. b.~~—Miles of cable, broken down by:

~~1. 1.~~The following cable classifications:

~~(i) (i)~~—Aerial;

~~(ii) (ii)~~—Underground;

~~(iii) (iii)~~—Buried;

~~(iv) (iv)~~—Submarine; and

~~(v) (v)~~—Distribution or feeder;

~~2. 2.~~ For each classification in b.1.~~(i-)~~ through ~~(iv)~~ above, a further breakdown into the following cable types:

~~(i) (i)~~ ~~Copper; and~~

~~(ii) (ii)~~ ~~Fiber; and~~

~~3. 3.~~ For distribution or feeder cable in b.1.~~(v)~~ above, a further breakdown into the following cable types:

~~(i) (i)~~ ~~Copper; and~~

~~(ii) (ii)~~ ~~Fiber;~~

~~3. 3.~~ For distribution or feeder cable in b.1.~~(v)~~ above, a further breakdown into the following cable types:

(ii) ~~(i)~~ Copper;

(iii) ~~(ii)~~ Fiber lit sheath; and

(iv) ~~(iii)~~ Fiber deployed sheath;

c. ~~e.~~ Number of poles; and

d. ~~d.~~ Miles of underground conduit, showing:

1. ~~1.~~ Trench miles; and

2. ~~2.~~ Duct miles;

(3) ~~(3)~~ Statistics for outside plant related to for interoffice on Schedule S-3, Outside Plant Statistics – Interoffice, showing year end amounts for:

a. ~~a.~~ Miles of aerial wire;

b. ~~b.~~ Miles of cable, broken down by

1. ~~1.~~ The following cable classifications:

(i) ~~(i)~~ Aerial;

(ii) ~~(ii)~~ Underground;

(iii) ~~(iii)~~ Buried;

(iv) ~~(iv)~~ Submarine; and

(v) ~~(v)~~ Distribution or feeder;

2. ~~2.~~ For each classification in b.1.(i) through (iv) above, a further breakdown into the following cable types:

(i) ~~(i)~~ Copper; and

(ii) ~~(ii)~~ Fiber; and

3. ~~3.~~ For distribution or feeder cable in b.1.(v) above, a further breakdown into the following cable types:

(i) ~~(i)~~ Copper;

(ii) ~~(ii)~~ Fiber lit sheath; and

(iii) ~~(iii)~~ Fiber deployed sheath;

c. ~~e.~~ Number of poles; and

d. ~~d.~~ Miles of underground conduit, showing:

1. ~~1.~~ Trench miles; and

2. ~~2.~~ Duct miles; and

~~(4) Pension cost data on Schedule S-4, Pension Cost, showing:~~

~~a. Current year and prior year amounts for:~~

~~1. Accumulated benefit obligation;~~

~~2. Projected benefit obligation;~~

~~3. Fair value of plan assets;~~

~~4. Expected long-term return on assets;~~

~~5. Net periodic pension costs, which requires showing:~~

~~(i) A description of the cost; and~~

~~(ii) The amount of the cost.~~

~~6. Minimum required contribution; 7. Actual contribution;~~

~~7. Maximum amount deductible; and~~

~~8. Benefits payable; and~~

~~(i) (i)~~ Certification of all of the information submitted on or with the report, containing:

~~(1) (1)~~ A notary seal that has been made:

~~a. a.~~ Under oath;

~~b. b.~~ By the company's president or chief officer; and

~~c. c.~~ By the company's treasurer or other officer in charge of accounts;

~~(2) (2)~~ Attestations, by each person, referred to in (1)b. and (1)c. above, that the information contained in the annual report:

~~a. a.~~ Has been prepared under my direction;

~~b. b.~~ The information has been carefully examined and reviewed by me;

~~c. c.~~ Is accurate to the best of my knowledge; and

~~d. d.~~ Provides an accurate statement of the position of the company;

~~(3) (3)~~ Signatures of each individual, referred to in (1)b. and (1)c. above; and

~~(4) (4)~~ Printed names and titles of the individuals in (3) above.

Puc 412.02~~Puc 424.02~~ Form ILEC-2 Petition for Authority to Issue Securities. The “Petition for Authority to Issue Securities” required by Puc ~~423.06~~411.09(a) shall include:

(a) Utility filing information ~~as defined in 402.21~~;

(b) ~~(b)~~ Contact information ~~as defined in Puc 402.06~~ for the person responsible for the information on the form;

(c) ~~(c)~~ The following attachments:

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

a. A description of authorized and outstanding long term debt and capital stock;

b. ~~b.~~ The amount of short term notes outstanding;

c. ~~c.~~ A description of new securities;

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

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

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

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

a. ~~a.~~ Explains the purpose of the financing;

b. ~~b.~~ Shows the effect of the financing on the company’s financial rating(s);

c. ~~c.~~ Provides the proposed method of issuance and sale of the securities; and

d. ~~d.~~ Indicates how the financing will be consistent with the public good, pursuant to RSA 369:1;

(d) ~~(d)~~ The following exhibits:

(1) ~~(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. ~~a.~~ The type of debt;

b. ~~b.~~ If applicable, the coupon rate;

c. ~~c.~~ Issue and maturity dates;

d. ~~d.~~ Amount outstanding; and

e. ~~e.~~ If applicable, call prices on the start date and end date of the issue period of the proposed financing;

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

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

a. ~~a.~~ A breakdown of capital expenditures made during the most recent calendar; and

b. ~~b.~~ An estimate of capital expenditures for the current calendar year;

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

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

a. ~~a.~~ Balance sheet amounts for the most recent year;

b. ~~b.~~ Proforma adjustments resulting from the proposed financing; and

c. ~~c.~~ Totals of the balance sheet amounts and the proforma adjustments in a. and b. above;

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

a. ~~a.~~ Income statement amounts for the most recent year;

b. ~~b.~~ Proforma adjustments resulting from the proposed financing; and

c. ~~c.~~ Totals of the income statement amounts and the proforma adjustments in ~~θ~~ above; a. and b. above;

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

a. ~~a.~~ Cash flows from operations, investing activities, and financing activities, adjusted for the effects of the proposed financing; and

b. ~~b.~~ A schedule of the company’s capital structure that includes the effects of the proposed financing;

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

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

a. ~~a.~~ Purchase and sale agreement(s) associated with the financing; and

b. ~~b.~~ Letter(s) of commitment from lender(s) that the company is approved for the financing; and

(11) ~~(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; and

(e) ~~(e)~~ Signature of the authorized representative of the ILEC, with date, certifying that:

(1) ~~(1)~~ 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

(2) ~~(2)~~ 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.

Puc 412.03 ~~Puc 424.03~~ Form ILEC-3 Report of Proposed Fixed Capital Expenditures.
The “Report of Proposed Fixed Capital Expenditures” required by Puc ~~423.06~~ 411.09(b) shall include:

(a) ~~(a)~~ Utility filing information ~~as defined in Puc 402.21~~;

(b) ~~(b)~~ Contact information ~~as defined in Puc 402.06~~ for the person responsible for the information on the form;

(c) ~~(c)~~ The year that is the subject of the report;

~~(d)~~ The date of the report;

~~(d) (e)~~ ~~The report and sheet number; and~~

~~(e) (f)~~ For each proposed expenditure:

~~(1) (1)~~ The item number;

~~(2) (2)~~ The location of the proposed expenditure;

~~(3) (3)~~ A description of the proposed addition, extension or capital improvement;

~~(4) (4)~~ The estimated start and finish dates of construction; and

~~(5) (5)~~ The estimated cost of each element of the proposed addition.

~~Puc 412.04~~ ~~Puc 424.04~~ Form ILEC-4 Report of Proposed Changes in Depreciation Rates.
The “Report of Proposed Changes in Depreciation Rates” required by Puc ~~423.04~~ 411.06(a) shall include:

~~(a) (a)~~ Utility filing information ~~as defined in Puc 402.21~~;

~~(b) (b)~~ Contact information ~~as defined in Puc 402.06~~ for the person responsible for the information on the form;

~~(c) (c)~~ The year that is the subject of the report;

~~(d) (d)~~ The date of the report;

~~(e) (e)~~ For each item whose depreciation rate is proposed for revision:

~~(1) (1)~~ The account number and title;

~~(2) (2)~~ The estimated life, both present and proposed, in years;

- (3) ~~(3)~~ The net salvage, both present and proposed, in percentages;
- (4) ~~(4)~~ The depreciation rate, both present and proposed, by percentage; and
- (5) ~~(5)~~ The net annual change in dollars; and
- ~~(6) The justification; and~~
- (f) ~~(d)~~ Any supporting documentation justifying the change the ILEC submits.