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STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: July 22, 2015

AT (OFFICE): NHPUC

ML

FROM: Michael Ladam, Assistant Director of Telecommunications

SUBJECT: DT 15-250, Request for Order Regarding E-911 Telephone Charges

TO: Commissioners
Debra Howland, Executive Director

Executive Summary:

On July 1, 2015, the New Hampshire Department of Safety (DoS) and the Enhanced 9-1-1 Commission (E-911 Commission) filed a formal request with the Commission that the Commission “issue an order to local exchange telephone companies (LECs) to collect a surcharge of \$.75 per month in order to meet the requirements of Revised Statutes Annotated 106-H:9, I(e).” That statute establishes a statewide Enhanced 9-1-1 (E-911) system funded by a surcharge on retail telephone bills. Staff recommends the Commission issue a secretarial letter informing LECs of their obligation to bill and remit the new surcharge amount for bills rendered on or after October 1, 2015, and to update the surcharge listed on their publicly available websites maintained under RSA 378:1-a.

Background (General)

The E-911 fund is administered by the DoS and the E-911 Commission. The E-911 surcharge is determined by the E-911 Commission and the DoS based on the expenses incurred in maintaining the E-911 system; the Public Utilities Commission (PUC) plays no role, other than through its *ex officio* membership on the E-911 Commission, in determining the surcharge amount.

Telephone providers, including both local exchange carriers under PUC jurisdiction and other providers such as cellular providers not under PUC jurisdiction, are required to remit payments to the E-911 fund according to these surcharges. RSA 106-H:9, I(e) directs such companies to “remit the surcharge amounts on a monthly basis, as prescribed by the commissioner [of the DoS], to the enhanced 911 services bureau”.

The two most recent dockets involving the E-911 fund were “DT 10-054: Enhanced 911 Surcharge” and “DT 06-132: Enhanced 9-1-1: Request to Raise E911 Surcharge.” In DT 06-132, the E-911 Commission raised the surcharge from \$0.42 per month to \$0.64 per month. In DT 10-054, the E-911 Commission lowered the surcharge from \$0.64 per month to \$0.57 per month. The new \$0.75 per month surcharge amount

reported to us in the July 1, 2015 DoS letter represents an increase of \$0.18 per month over the current rate.

In the 2006 and 2010 dockets, after being notified that the E-911 surcharge had changed, the Commission ordered Incumbent Local Exchange Carriers (ILECs) to revise their tariff pages maintained at the Commission, and ordered Competitive Local Exchange Carriers (CLECs) to revise their Rate Schedules on file at the Commission, in each case pursuant to RSA 106-H:9, I(e).

Revising these pages was separate from the surcharge change: the new E-911 surcharge is determined by the E-911 Commission and the Commissioner of DoS and is binding on all providers. In ordering these changes to tariffs and rate schedules, the Commission ensured that ILEC tariffs and CLEC rate sheets were updated timely to reflect the correct surcharge.

Background (2012 Changes to Telecommunications Law)

RSA 106-H:9, I(b), requires that the E-911 “surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company”. RSA 106-H:9 I(e) states that “*if appropriate*, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.” (emphasis added)

In 2012 and 2013, New Hampshire law was revised such that neither ILECs nor CLECs maintain retail tariffs or rate schedules at the Commission. ILECs not operating as “Excepted Local Exchange Carriers” (ELECs) originally were an exception and continued to file tariffs; however, all eleven ILECs in New Hampshire are now operating as ELECs. Under RSA 378:1-a, telephone utilities must maintain a current listing of their rates, terms, and conditions on a publicly accessible website rather than file tariffs or rate schedules with the Commission.

In light of the change to telephone utility regulation in the state, it is no longer appropriate to order LECs to file new tariffs or rate schedules reflecting the increased surcharge. However, because RSA 106-H:9 I(b) requires LECs to bill the surcharge on a monthly basis, Staff recommends that the Commission notify all telephone utilities that the E-911 surcharge shall be collected pursuant to RSA 106-H:9, I(a) at a rate of \$.75 for bills rendered on or after October 1, 2015, and that their public websites should be revised to reflect the increased surcharge as of that date.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:

DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.

c) Serve a written copy on each person on the service list not able to receive electronic mail.