

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: February 4, 2016
AT (OFFICE): NHPUC

M2

FROM: Michael Ladam, Director of Regulatory Innovation and Strategy

SUBJECT: DT 15-299: Northern New England Telephone Operations, LLC Tariff Filing to Reflect Changes in Lifeline Obligations for Resold Lines

TO: Debra Howland, Executive Director

On August 5, 2015, Northern New England Telephone Operations LLC d/b/a FairPoint Communications – NNE (“FairPoint”) submitted a letter and tariff page reflecting changes to its Tariff No. 4 for Resale Services.

As FairPoint noted in its letter, the Federal Communications Commission (FCC) has revised its rules regarding the obligation of incumbent local exchange carriers (ILECs) such as FairPoint to provide a discount to competitive local exchange carrier (CLEC) resellers serving Lifeline customers. In FCC Order 15-71, effective June 15, 2015, the FCC forbears from requiring ILECs to offer such a discount. The FCC had previously eliminated any requirement to support the LinkUp America program, and the revised tariff page also eliminated references to that.

FairPoint further noted in its letter that no CLECs were offering resold service to customers using the previously-offered Lifeline discount.

Puc 404.05 requires carriers such as FairPoint to maintain tariffs with the Public Utilities Commission (Commission) for wholesale service that is required under federal law or specifically referenced in interconnection agreements. In light of the FCC’s Order 15-71, the resold Lifeline and LinkUp programs are no longer required under federal law, and to Staff’s knowledge these services are not implicated in any interconnection agreements.

The FairPoint filing did not request Commission approval of the tariff changes, and the FCC action may perhaps mean the Commission had no authority to review them. To the extent that the Commission does have oversight of such tariff changes, the changes took effect under operation of law on September 4, 2015, pursuant to New Hampshire RSA 378:6, IV.

Staff recommends that this docket be closed.

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.

Executive.Director@puc.nh.gov

amanda.noonan@puc.nh.gov

david.wiesner@puc.nh.gov

michael.ladam@puc.nh.gov

ocalitigation@oca.nh.gov

robert.meehan@fairpoint.com

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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.**