



July 6, 2012

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BY HAND DELIVERY

Debra A. Howland, Executive Director & Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301

Re: DRM 12-036; Rulemaking Puc 400 - Telephone Service

Dear Ms. Howland:

In response to the Order of Notice in the subject proceeding, dated February 14, 2012, the New Hampshire Telephone Association (“NHTA”)¹ is pleased to submit its proposed revisions to the Commission’s administrative rules, Puc Chapter 400 “Rules for Telecommunications.”

As discussed in more detail in the explanatory notes accompanying this submission, the NHTA proposal reflects the fact that, as a result of the recently enacted Senate Bill 48, 2012 New Hampshire Laws Chapter 177, there are now only two categories of telecommunications carriers – ILECs and ELECs, *i.e.* an “[e]xcepted local exchange carrier” means . . . [a]ny provider of telecommunications services that is not an incumbent local exchange carrier.”² Consequently, NHTA’s proposal eliminates Parts 450 through 469 (related to Competitive IntraLATA Toll Providers) and portions of Part 405, to the extent that it relates to regulation of Payphone Service Providers, since these categories have been subsumed by the ELEC category. Also, consistent with the requirement that that “the commission shall have no authority to impose or enforce any obligation on any excepted local exchange carrier that is not also applicable to all other

¹ NHTA is comprised of Bretton Woods Telephone Company, Inc.; Dixville Telephone Company; Dunbarton Telephone Company, Inc.; Granite State Telephone, Inc.; Hollis Telephone Company, Inc.; Kearsarge Telephone Company; Merrimack County Telephone Company; Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE, Union Telephone Co. and Wilton Telephone Company, Inc.

² 2012 Chap. 177:1; RSA 362:7, I(c).

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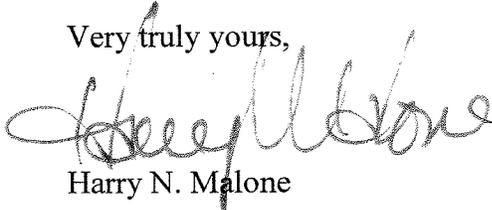
Debra A. Howland
July 6, 2012
Page 2

excepted local exchange carriers” (subject to certain delineated exceptions),³ Part 430 (related to CLECs) is renamed “Excepted Local Exchange Carriers” and repurposed to address regulations applicable to ELECs in general. Furthermore, many provisions within Part 430 are eliminated to the extent that they relate to the regulation of end user services.

The NHTA proposal still retains a number of Puc Chapter 400 rules, with some modifications. As mentioned above, Part 405, related to payphone service is retained, but is restricted in its application only to ILECs that are not operating as ELECs, since payphone service is an end user service that is not regulated as it pertains to ELECs. For similar reasons, Part 406, related to Public Interest Payphones, is retained, but only as it applies to ILECs that are not operating as ELECs. Parts 407 and 408, related to STS providers and non-utility providers, are also retained, since SB48 has done nothing to affect the status of these providers, which are not telecommunications carriers. Parts 410 through 429, related to ILEC regulations, are retained in large part, although the NHTA proposal contains revisions to conform with SB48 and further revisions where NHTA believes that certain provisions can be eliminated as duplicative or unreasonably burdensome in light of the present competitive telecommunications market.

Both clean and blacklined copies of the proposed rules are provided, as is a set of explanatory notes, organized by part. A compact disk containing this document is also enclosed.

Very truly yours,



Harry N. Malone

HNM:ljm

³ 2012 Chap. 177:1, RSA 362:8.