

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

CHAPTER Puc 400 RULES FOR TELECOMMUNICATIONS

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 telephone utilities in order to enable providers to comply with relevant statutes and commission orders.

Puc 401.02 Application. Parts 401 through 409 of this chapter shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996. Part 410 of this chapter shall apply to all ILECs except to the extent preempted by the Telecommunications Act of 1996. Parts 411 through 412 of this chapter shall apply to all ILECs not operating as ELECs except to the extent preempted by the Telecommunications Act of 1996. Except where expressly stated, tThese rules do not apply to VoIP and IP enabled services pursuant to RSA 362:7, II or to non-basic service pursuant to RSA 374:22-p, I(c). In addition, the following commission rules shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996:

Comment [A1]: Per RSA 374:22-p, I(c), nonbasic service shall not be regulated by the Commission. If the rules are designating which services are unregulated, this provision should be included for the sake of consistency.

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 DEFINITIONS

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

Puc 402.02 “Basic service” means:

- (a) Safe and reliable single-party, single-line voice service;
- (b) The ability to receive all non-collect calls, at telephone lines capable of receiving calls, without additional charge;
- (c) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;

- (d) The opportunity to presubscribe to interLATA toll carriers;
- (e) The opportunity to presubscribe to intraLATA toll carriers;
- (f) Dialing parity;
- (g) Number portability;
- (h) Enhanced 911, pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;
- (i) Access to statewide directory assistance;
- (j) Telecommunications relay service (TRS);
- (k) A published directory listing, at the customer's election;
- (l) A caller identification blocking option, on a per-call basis;
- (m) A caller identification line blocking option that:
 - (1) Is available to all customers without a recurring charge;
 - (2) Is provided upon customer request without charge to customers who have elected non-published telephone numbers;
 - (3) Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and
 - (4) Is available without a non-recurring charge when requested with installation of basic service;
- (n) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;
- (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) Automatic Number Identification (ANI) to other carriers which accurately identifies the telephone number of the calling party.

Puc 402.03 "Commission" means the New Hampshire public utilities commission.

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

Puc 402.05 “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:

- (a) Name;
- (b) Title;
- (c) Complete postal mailing address;
- (d) Telephone number; and
- (e) Email address.

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

Comment [A2]: This definition is vague and insufficient to describe all of the actions that are generally considered to be cyber-attacks, and does not provide an objective standard. Furthermore, it is referenced only in proposed Rule 406.02, which itself is invalid and should be deleted. Consequently, this definition serves no purpose.

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 “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 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 “Gross utility revenue” means revenue earned by the utility from New Hampshire customers for utility service. Gross utility revenue includes any payphone revenues.

Puc 402.11 “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.

Puc 402.12 “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 402.13 “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 402.1X “Nonbasic service” means any telecommunications service that is not basic service as described in Puc 402.02. Any combination of basic service along with any other service or feature offered by the telecommunications service provider is nonbasic service.~~

Comment [A3]: The distinction between basic services and non-basic services is an important one in order to clarify that basic service is not a component of any other services, but is a distinct offering alone.

Puc 402.14 “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 402.15 “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 402.16 “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) 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 6 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;~~
- ~~(f) A public road has been closed;~~
- ~~(g) 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; or~~
- ~~(h) Consequences of a magnitude or severity comparable to those described in (a) through (g) above are involved.~~

Comment [A4]: The deleted subsections are overly burdensome, ambiguous in their standards and beyond the scope of providing safe and reliable utility service to end users.

Comment [A5]: This clause is vague and ambiguous and, unlike the ones preceding it, does not provide an objective standard.

Puc 402.17 “Rural Telephone Company (RTC)” means an ILEC meeting the definition of rural telephone company under 47 USC 153(44).

Puc 402.18 “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 402.19 “Significant facility disruption” means the inability of an ELEC or ILEC’s facilities to reliably carry telephone messages in New Hampshire that affects:~~

~~(a) all customers in a similar manner such as interconnection failures; or~~

~~(b) where dial tone is interrupted for at least 900,000 user minutes.~~

Puc 402.20 “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 “Telephone utility” 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 incumbent local exchange carriers, and excepted local exchange carriers.

Puc 402.22 “Transfer of customer base” means the acquisition through a sale or transfer of all or a part of the customer base of another carrier.

Puc 402.23 “Utility filing information” means:

- (a) The utility’s legal name;
- (b) The utility’s telephone utility identification number, if one has been provided by the commission;
- (c) Each trade name the utility uses with its customers;
- (d) The utility’s complete mailing address;
- (e) The utility’s telephone number;
- (f) The utility’s email address;
- (g) The utility’s web site address;
- (h) The utility’s federal employer identification number (FEIN);
- (i) The printed name and title of the authorized representative signing the form;
- (j) The current date; and

Comment [A6]: This rule is unnecessary as it is redundant of the requirements in Part 4 of the FCC rules, 47 CFR § 4.1 – 4.13.

To the extent that the Commission retains any authority over service outages, this authority only extends to service provided by ILEC-NELECs.

Furthermore, if any part of this rule is retained, the phrase “service outage” should remain. The phrase “Inability to reliably carry telephone messages” is ambiguous and, unlike the terminology in the current rule, does not provide an objective standard.

- (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 402.24 "Voice service" means the conveyance of telephone messages for the public excluding IP-enabled service and voice over internet protocol service as defined in RSA 362:7.

PART Puc 403 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 through 409.

PART Puc 404 TELEPHONE UTILITY REGULATORY REQUIREMENTS

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

- (a) Each entity registered on the effective date of this rule as a CLEC whose registered services include voice service shall become registered as 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 a telephone utility identification number, at which time its ELEC authorization shall commence and its CLEC authorization shall expire.
- (b) Each entity registered on the effective date of this rule as a CLEC whose registered services do not include voice service shall be notified that ELEC registration is not required for the provision of its services, and its CLEC authorization shall expire.
- (c) Each entity registered on the effective date of this rule as a CTP shall 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 shall be provided with a telephone utility identification number, at which time its ELEC authorization shall commence and its CTP authorization shall expire.
- (d) Each entity operating on the effective date of this rule as an ILEC that is also an ELEC shall become registered as an ELEC authorized to provide voice service in its ILEC franchise area and shall be provided with a telephone utility identification number.
- (e) 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 shall be provided

with a telephone utility identification number, at which time its ELEC authorization shall commence and its PSP authorization shall expire.

- (f) Each entity operating on the effective date of this rule as an ILEC that is not an ELEC shall be provided with a telephone utility identification number.

Puc 404.02 Authorization Required to Provide Voice Service.

- (a) No person or entity shall provide voice services in any area of New Hampshire unless and until that person is registered as an ELEC authorized in that area.
- (b) To apply for authorization to provide voice service a person or entity shall file a completed Form T-8 Application for Registration to Provide Voice Service.
- (c) If the applicant seeks to provide service in the territory of an RTC, **before the commission issues the applicant a telephone utility identification number,** such RTC shall be provided an opportunity to propose to the commission that the ELEC be required by the commission to meet the requirements of 47 USC 253(f) regarding eligible telecommunications carrier qualifications. The commission shall determine whether to impose such a requirement through an adjudicative proceeding.
- (d) Unless the commission denies an application for ELEC registration pursuant to Puc 404.03, the commission shall issue a telephone utility identification number authorizing the applicant to provide voice service in the specified territory. Such authorization may include any requirement imposed pursuant to (c) above.

Comment [A7]: This rule should be modified to clarify that no registration will be approved and no telephone utility identification number will issue until the RTC has had the opportunity to propose the ETC requirements and the Commission has made its decision.

Puc 404.03 Denial of Registration. 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, directors of the company, limited liability company managers or officers:
 - (1) Have committed an act that would constitute good cause to find a violation under these rules;
 - (2) Have, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;
 - (3) Knowingly made a material false statement of fact in the application; or
 - (4) Demonstrated on its application such flagrant or repeated violations of the requirements to operate as a utility or a competitive carrier in other state(s) that the commission determines that it is not in the public good to allow registration; ~~and~~ **or**

(5) Have declined to meet all requirements resulting from any proceeding pursuant to Rule 404.02(c) preceding and

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

Puc 404.04 ~~Assessment~~

- ~~(a) Telephone utilities shall be assessed pursuant to RSA 363-A:2 based on their gross utility revenues, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.~~
- ~~(b) When a telephone utility offers a combination of voice services and non-utility services such as Internet or video for a single price, the gross utility revenue portion shall be calculated based on the prices at which the voice services are offered on a standalone basis.~~
- ~~(c) 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.~~

Comment [A8]: Considering that utility assessments are the subject of pending legislation and a Commission proceeding, it is suggested that this proposed rule be tabled.

Puc 404.05 Tariff for Wholesale Services. Telephone utilities that offer wholesale services required by 47 USC 251, including but not limited to intrastate access service, to other telecommunications carriers shall maintain a complete tariff of such services with the commission, pursuant to Puc 1600.

Puc 404.06 Web Site.

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

Puc 404.07 Accident Notifications.

- (a) ELECs and ILECs shall notify the commission of reportable accidents occurring within the state of New Hampshire in connection with its facilities or property by filing
- ~~(b) The ELEC or ILEC shall notify the commission by telephone as follows:~~
- ~~(1) During regular commission hours, the ELEC or ILEC shall contact the first representative listed for telephone accident notifications on the accident notification roster, at the commission telephone number provided, and, if that representative is~~

Comment [A9]: Almost all of this rule is overly burdensome and is not necessary to ensure safe and reliable utility service.

~~unavailable, the 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 commission hours, the ELEC or ILEC shall:~~

~~a.—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 ELEC or ILEC speaks directly with one of the commission representatives listed therein; and~~

~~b.—If direct contact with a commission representative pursuant to a. above is not successful, the ELEC or ILEC shall call the commission general telephone listing, provided in the accident notification roster, and leave a voice mail message:~~

- ~~1.—Identifying the 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;~~

~~(3) The ELEC or ILEC shall provide the commission with the following information:~~

~~a.—The name of the ELEC or ILEC;~~

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

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

~~d.—The time at which:~~

- ~~1.—The accident or event occurred; and~~
- ~~2.—The ELEC or ILEC was first notified of the accident or event;~~

~~e.—A description of any fatalities, personal injuries, and damages; and~~

~~f.—Any other information relevant to the cause of the accident and the extent of the damages; and~~

~~(4) Notification of a reportable accident shall not be deemed complete until an ELEC's or ILEC's representative:~~

~~a.—Speaks to a commission representative listed on the accident notification roster; and~~

~~b.—Communicates to the commission representative the information required by (3) above;~~

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

Puc 404.08 Payphone Service.

- (a) Any payphone shall provide, without charge to the customer:
- (1) A dial tone signal;
 - (2) 911 emergency access; and
 - (3) Access to TRS.
- (b) 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 ELEC or ILEC has conformed to statutes, rules, and orders applicable to payphones.

Puc 404.09 TRS.

- (a) ELECs and ILECs shall provide, directly or indirectly, telecommunications relay services pursuant to 47 CFR 64.603.
- (b) ELECs 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.
- (c) ELECs 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 404.10 E911.

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

- (c) ELECs 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 404.11 General Preservation and Availability of Records.

- (a) ELECs 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.
- (b) ELECs 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 telephone utility's normal business hours.

PART Puc 405 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) Be sent separately from communications that would otherwise include only promotional materials.
- (b) Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically.
- (c) Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.

Puc 405.02 Slamming Prohibited.

- (a) Notwithstanding any of the exceptions in Rule Puc 401.02, ELECs and ILECs shall comply with RSA 374:28-a and FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

Comment [A10]: This rule is revised to reflect that even non-basic service is affected by this rule.

- (b) If, after notice and opportunity for hearing, the commission finds that an ELEC or ILEC has switched a customer's selection of carrier without authorization, the ELEC or ILEC shall be subject to an administrative fine, not to exceed \$2,000 per customer line switched without authorization, pursuant to RSA 374:28-a, II.
- (c) After notice and opportunity for hearing, the commission may withdraw any authorization granted to an ELEC or ILEC found to have engaged in slamming in violation of RSA 374:28-a.

Puc 405.03 Transfers of Customer Base.

- (a) Notwithstanding any of the exceptions in Rule Puc 401.02, In connection with any transfer of customer base in which the acquiring carrier is a telephone utility, the acquiring carrier shall file with the commission the following documents:
 - (1) A copy of the letter notification and any subsequent notices of changed information submitted to the FCC pursuant to 47 CFR 64.1120(e), to be filed at the same time of submission to the FCC; and
 - (2) Form T-4 Transfer of Customer Base Report as described in Puc 409.04, to be filed 30 days prior to the occurrence of the transfer of customer base.
- (b) In connection with any transfer of customer base in which the acquiring carrier is not a telephone utility, the selling or transferring carrier shall file with the commission the following documents:
 - (1) A copy of the letter notification and any subsequent notices of changed information submitted by the acquiring carrier to the FCC pursuant to 47 CFR 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 409.04, to be filed 30 days prior to the occurrence of the transfer of customer base.

Comment [A11]: This rule is revised to reflect that even non-basic service is affected by this rule.

Puc 405.04 Cramming Prohibited.

- (a) "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) "Billing aggregator" means a person, other than a service provider, who forwards a charge for a product or service offered by a service provider to the utility company for billing to the customer

Comment [A12]: The cramming prohibition of RSA 378:46 does not apply to telephone utilities; it only applies to third party, non-utility "billing aggregators" and "service providers." To the extent that the any "unauthorized charge" or billing practice by a telephone utility is considered to implicate this statute, then that utility is either acting as a billing aggregator or service provider, or its actions are outside the scope and beyond the intent of the statute.

- (c) “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.
- (d) Telephone utilities Billing aggregators or service providers shall not engage in cramming.
- (e) If, after notice and opportunity for hearing, the commission finds that a telephone utility billing aggregator or service provider has engaged in cramming, the telephone utility billing aggregator or service provider shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.

Puc 405.05 Number Portability Notice. Before terminating any customer’s telephone service for any reason other than customer request, ELECs and ILEC-NELECs shall provide 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 405.06 Complaints. The commission shall accept and resolve complaints from telephone utility customers regarding alleged violations of the requirements of Puc 405.01 through 405.054.

PART Puc 406 TELEPHONE UTILITY EQUIPMENT AND FACILITIES

Puc 406.01 Construction, Installation and Maintenance of Physical Plant.

- (a) Telephone utilities ILEC-NELECs shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2012 edition.
- (b) Telephone utilities ILEC-NELECs shall construct, install and maintain its plant, structures, equipment, and lines to prevent interference with service furnished by other carriers and by other public service facilities, such as cable, fire alarm, electric, water, sewer, gas, or steam facilities.

Puc 406.02 Emergency Operations. ELECs and ILEC-NELECs shall make reasonable provisions to meet emergencies resulting from any of the following:

- (a) Failures of commercial power service;
- (b) Sudden and prolonged increases in traffic;
- (c) Illness, strike, or labor unrest of employees;
- (d) Failure of a supplier to deliver materials or supplies;
- (e) Civil unrest;

Comment [A13]: This rule pertains to end users and end user services, over which the Commission has no authority as it pertains to all but ILEC-NELECs. In addition, the number portability statute, § 252(b)(2), as implemented by the FCC, imposes no affirmative duty on carriers to aid individual customers (as opposed to other carriers) in implementing the number porting process. Furthermore, there is no process in place by which a customer may execute a number port, only LECs can do this. The only initiative the customer may take is to switch providers.

Comment [A14]: None of the statutes that the Commission has cited in support of this rule grant it the necessary authority to dictate network operations procedures for other than ILEC-NELECs. Commission citation to the Section 251(a) of the Communications Act is particularly overreaching. The Commission's authority concerning interconnection under the Communications Act is not plenary, and is essentially restricted to adjudication of interconnection agreements. The Commission has no enforcement power under the Communications Act. Furthermore, Section 251 obligation to interconnect entails only physical interconnection and does not entail transmission or routing services (47 CFR 51.5), and thus does not encompass any service quality obligations. Consequently, the Commission has no independent authority under the Communications Act's interconnection provisions to police the operations of a telecom carrier absent a complaint.

Comment [A15]: None of the statutes that the Commission has cited in support of this rule grant it the necessary authority to dictate network operations procedures for other than ILEC-NELECs. Commission citation to the Section 251(a) of the Communications Act is particularly overbroad. Consequently, the Commission has no independent authority under the Communications Act's interconnection provisions to police the operations of a telecom carrier absent a complaint.

- (f) ~~Cyber attacks;~~ or
- (g) 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 Significant Facility Disruption. ELEC and ILEC shall report significant facility disruptions by calling the commission within the following time frames:~~

- ~~(a) For disruptions which occur during regular commission hours, within 60 minutes of occurrence; and~~
- ~~(b) Otherwise, by 9:00 a.m. on the business day following the outage; and~~
- ~~(c) ELEC and ILEC shall report significant facility disruptions in writing to the commission on Form T-5 Facility Disruption Report as described in Puc 409.05, which shall be filed within 10 days of the disruption.~~

Comment [A16]: Consistent with the elimination of the definition of a “significant facilities disruption” in proposed rule Puc 402.19, this reporting requirement should be eliminated.

PART Puc 407 ELEC AND ILEC INTERCARRIER OBLIGATIONS

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

Puc 407.02 Provision of Interconnection. ELEC and ILEC shall interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.

Puc 407.03 Network Changes.

- ~~(a) Network changes made by an ELEC or ILEC 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 might affect existing or pending interconnections, ELEC and ILEC shall make available necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

Comment [A17]: This is anti-innovation and anti-competitive; it requires a carrier to go to the additional expense of maintaining compatibility with other networks when it does upgrades. Carriers desiring to interconnect with another carrier should have the burden of ensuring compatibility with the other carrier, not the other way around.

Puc 407.04 Switching and Signaling Obligations.

- (a) ELEC and ILEC shall provide answer and disconnect supervision in accordance with industry standards.
- (b) ELEC and ILEC shall deliver to their customers all calls unless screened or blocked at the customer’s request.

- (c) ELECs and ILECs shall provide access to operator services pursuant to the Telecommunications Act of 1996.
- (d) ELECs and ILECs shall provide reasonable access to all signaling information pursuant to industry protocols.
- (e) ELECs and ILECs shall not interfere with the transmission of signaling information.
- (f) ELECs and ILECs shall communicate, on a demand and preventative basis, information regarding maintenance necessary to ensure successful call completion.

Puc 407.05 Carrier to Carrier Migrations.

- (a) ELECs 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.
- (b) When migrating end users, ELECs 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) When porting a customer's number to another carrier, ELECs and ILECs shall release the number without delay or consideration of any issue such as the customer's account balance.
- (d) 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 ~~within one business day of the request~~ in accordance with 47 CFR § 52.35.

Comment [A18]: There are exceptions to the one-day porting rule; this revised language is consistent with FCC rules, 47 CFR Part 52

- (e) 401.02;

Puc 407.06 Directories.

- (a) ~~ELECs and ILECs shall permit any carrier to list that carrier's customers' telephone numbers in the ELEC or ILEC's published white and yellow pages telephone directory or directories.~~
- (b) ELECs and ILECs shall provide publishers and any other person or business with reasonable, nondiscriminatory access to subscriber listing information for the purpose of publishing telephone directories or providing directory assistance, and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.
- (c) ELECs and ILECs shall not publish or list numbers for which other ELECs or ILECs request non-directory listed or non-published status.

Comment [A19]: There is no law that requires a carrier to publish another carrier's directory listings.

PART Puc 408 ELEC AND ILEC COMMON REPORTS AND FILINGS

Puc 408.01 Due Annually.

- (a) Form T-1 Contact and Trade Name Information described in Puc 409.01 shall be due on or before March 31 of each year, and shall cover the most recent fiscal year.
- (b) Form T-2 Assessment Report described in Puc 409.02 shall be due on or before March 31 of each year, and shall cover the most recent fiscal year.
- (c) If the ELEC or ILEC operated any payphones during the previous year, it shall file Form T-6 Payphone Location Report described in Puc 409.06, on or before March 31 of each year, covering the most recent fiscal year.

Puc 408.02 Event-Driven. 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 Form T-1 Contact and Trade Name Information as described in Puc 409.01, on the occurrence of any change in the information on the ELEC's or ILEC's most recently filed T-1;
- (b) A Form T-3 Utility Accident Report as described in Puc 409.03, on the occurrence of a reportable accident pursuant to Puc 404.07(c);
- (c) 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;
- ~~(d) A Form T-5 Facility Disruption Report as described in Puc 409.05, on the occurrence of a significant facility disruption, pursuant to Puc 406.03(e);~~
- (e) A Form T-7 Exchange Eligibility Report as described in Puc 409.07, when becoming eligible to provide service in an exchange; and
- (f) A Form T-8 Application for Registration to Provide Voice Service as described in Puc 409.08 prior to offering such service in an area in which the applicant is not yet authorized.

Comment [A20]: Consistent with the elimination of the definition of a "significant facilities disruption" in proposed rule Puc 402.19, this reporting requirement should be eliminated.

Puc 408.03 Submitting Reports and Forms. ELECs and ILECs shall submit all reports and forms to the commission by the following methods:

- (a) Mail or other delivery to:

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

- (b) Electronic report filing as the commission shall provide on the commission website pursuant to Puc 202.05(b).
- (c) ELECs and ILECs making an electronic filing pursuant to (b) above must comply with Puc 202.08 regarding filing requirements.

Puc 408.04 Confidential Treatment. ELECs and ILECs which seek confidential treatment of any report or any portion of a report required by this section shall comply with the applicable provisions of Puc 201.04, Puc 201.06, Puc 201.07 and Puc 203.08.

PART Puc 409 ELEC AND ILEC COMMON FORMS

Puc 409.01 Form T-1 Contact and Trade Name Information. The “Contact and Trade Name Information” form required by Puc 408.01(a), Puc 408.02(a), Puc 409.04(e), and Puc 409.08(h), shall include:

- (a) Utility filing information;
- (b) The toll-free number and email address for customer service;
- (c) The toll-free number and email address for repair service;
- (d) The hours of operation for customer service and repair service;
- (e) An indication of whether the ELEC or ILEC wishes to receive reports and reminders via email;
- (f) The names and titles of the principal officers of the ELEC or ILEC;
- (g) Contact information for the person responsible for regulatory matters;
- (h) Contact information for the person that the commission’s consumer affairs division shall call regarding consumer complaints from customers;
- (i) Contact information for the director of the customer service department;
- (j) Contact information for the officer responsible for customer service; and
- (k) Contact information for the person responsible for paying assessment bills.

Puc 409.02 Form T-2 Assessment Report. The “Assessment Report” required by Puc 408.01(b), shall include:

- (a) Utility filing information;
- (b) The gross utility revenue received during the period;

- (c) The number of New Hampshire telephone numbers in use by the ELEC's or ILEC's customers; and
- (d) A sworn and notarized attestation that states that the report is complete, true and accurate.

Puc 409.03 Form T-3 Utility Accident Report. The "Utility Accident Report" required by Puc 408.02(b), shall include:

- (a) Utility filing information;
- (b) Date of the report;
- (c) Information regarding each reportable accident for the period, to include:
 - (1) The date of the accident;
 - (2) The location of the accident;
 - (3) A description of the extent of any property damage;
 - (4) A description of the extent of any injuries;
 - ~~(5) The name of any injured person;~~
 - ~~(6) An indication of whether any injury was fatal;~~
 - ~~(7) An indication of whether the accident involved electric contact; and~~
 - ~~(8) Location information for any poles involved in the accident.~~

Comment [A21]: Providing this level of detail is overly burdensome and unnecessary to fulfilling the goal of the supporting statute.

Puc 409.04 Form T-4 Transfer of Customer Base Report. The "Transfer of Customer Base Report" form required by Puc 405.03 shall include:

- (a) Utility filing information for the selling or transferring company;
- (b) Utility filing information for the acquiring company;
- (c) The number of New Hampshire customers affected;
- (d) The effective date of the transfer; and
- (e) An attached Form T-1 Contact and Trade Name Information, for the acquiring company, if the acquiring company is a telephone utility, as specified in Puc 409.01.

~~Puc 409.05 Form T-5 Facility Disruption Report. The "Facility Disruption Report" required by Puc 406.03(c), shall include:~~

Comment [A22]: As explained above in the comment to proposed rule 406.03, none of the statutes that the Commission has cited in support of this rule grant it the necessary authority to dictate network operations procedures except for ILEC-NELECs.

- ~~(a) Utility filing information;~~
- ~~(b) The date of the report;~~
- ~~(c) The date and time of the outage;~~
- ~~(d) The location of the outage;~~
- ~~(e) Whether an entire exchange was affected, to the best knowledge of the ELEC or ILEC;~~
- ~~(f) The number of affected access lines;~~
- ~~(g) The cause of the outage;~~
- ~~(h) The date and time service was restored;~~
- ~~(i) The name of the person contacted at the commission; and~~
- ~~(j) The date and time the commission was contacted.~~

Puc 409.06 Form T-6 Payphone Location Report. The “Payphone Location Report” required by Puc 408.01(c), shall include:

- (a) Utility filing information for the payphone owner;
- (b) For each payphone the ELEC or ILEC has in service:
 - (1) Telephone number;
 - (2) Name of location;
 - (3) Street address;
 - (4) City or town and zip code;
 - (5) An indication of whether the payphone is located within 750 feet of another payphone; and
 - (6) An indication of whether the phone accepts coins; and
- (c) For each payphone the ELEC or ILEC has removed from service since filing the previous report:
 - (1) Telephone number;
 - (2) Name of location;
 - (3) Street address;

- (4) City or town and zip code;
- (5) An indication of whether the payphone is located within 750 feet of another payphone; and
- (6) An indication of whether the phone accepts coins.

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

- (a) Utility filing information;
- (b) A table listing each exchange in which the ELEC has:
 - (1) Ported telephone numbers assigned to its customers;
 - (2) Blocks of telephone numbers assigned to the ELEC; or
 - (3) Applied for blocks of telephone numbers; and
- (c) For each such exchange, the table shall include:
 - (1) The exchange name, as used by the ILEC serving that exchange;
 - (2) The relevant NXX number;
 - (3) The NXX thousand-block number, if applicable;
 - (4) Whether the ELEC has a collocation arrangement with the ILEC serving that exchange; and
 - (5) If the answer to (4) is ‘No’:
 - a. The number of ELEC customers in the exchange served by an ELEC-owned copper or coaxial loop;
 - b. The number of ELEC customers in the exchange served by an ELEC-owned fiber loop;
 - c. The number of ELEC customers in the exchange served by an enhanced extended loop (EEL); and
 - d. Information including name, address, and telephone number for at least one customer.

Puc 409.08 Form T-8 Application for Registration to Provide Voice Service. The “Application for Registration to Provide Voice Service” required by Puc 408.02(f), shall include:

(a) Utility filing information;

(b) Responses to:

(1) Whether the applicant, or any of the general partners, corporate officers, 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) Whether the applicant, or any of the general partners, corporate officers, 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) Whether the applicant, or any of the general partners, corporate officers, 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) Whether the applicant, or any of the general partners, corporate officers, 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) Whether the applicant, or any of the general partners, corporate officers, 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) If an affirmative answer is given to any item in (b) above, the applicant shall provide an explanation of the event and the relevant states or jurisdictions;

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

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

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

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

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

(g) The applicant shall attach a copy of the company's secretary of state certificate of authority;

- (h) The applicant shall attach a completed Form T-1 Contact and Trade Name Information; and
- (i) 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 410.

Puc 410.03 Basic Service.

- (a) ~~An ILEC shall offer basic service throughout its service territory~~ An ILEC may not discontinue residential basic service as defined in Puc 402.02 within its service territory without Commission approval.
- (b) ~~An ILEC shall not impose any additional contractual requirements as a condition for purchasing basic service.~~
- (c) ~~An ILEC shall not impose exit fees on a customer who cancels basic service.~~
- (d) ~~An ILEC shall change its rates for basic service only through the following process:~~
 - (1) ~~After August 10, 2020, the ILEC ELEC may increase its rates to any level without commission review or approval;~~
 - (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 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. ~~For customers who are enrolled in the Lifeline Telephone Assistance program, the cap is 5%; and~~
 - b. ~~For all other customers, the cap is 10%; and~~
 - (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.~~

Comment [A23]: This revised language is consistent with the language of SB 48.

Comment [A24]: This rule is vague and ambiguous. All services, including basic service, will be provided under some sort of service contract, with rates, terms and conditions of service. "Additional" contract requirements are not defined and provide no objective standard.

Comment [A25]: This rule is only applicable to some, not all ILECs, and has been moved to Part 411 respective to ILEC-NELECs. Commission jurisdiction over ILEC-ELEC end user services is restricted to basic service and is further limited to only two aspects of that service: 1) discontinuing basic service throughout the service territory and 2) rate increases above the statutory cap. The Commission has no authority to restrict payment of exit fees for ELECs.

Comment [A26]: For the sake of clarity, this rule has been moved to the new proposed Part 4XX, following, respecting ILEC-ELECs.

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

(1) An ILEC which seeks to change geographic boundaries or other policies that would change the geographic area which can be reached using a local call, shall petition the commission for review and approval of the change;

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

(3) In deciding whether to approve the proposal, the commission shall consider whether the ILEC has demonstrated that the proposed change:

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 (d) above.

~~(f) An ILEC that is unable to provide basic service to a current or prospective customer upon application therefor shall comply with the following provisions:~~

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

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

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

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

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

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

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

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

Comment [A27]: This rule is overly burdensome and serves no purpose. ILECs have a statutory obligation not to discontinue basic service without Commission authorization. There is no reason to provide an informational form when a petition is in fact what is necessary.

Comment [A28]: This rule is inapplicable to ELECs, and has been moved to new Part 411 respective to ILEC-NELECs. This proposed rule does not apply to ELECs. Commission jurisdiction over ILEC-ELEC basic service is limited to only two aspects of that service: 1) Discontinuing (as opposed to disconnecting) basic service throughout service territory 2) Rate increases above the statutory cap.

In the existing rules, the Commission distinguishes between "discontinuance" and "disconnection", in which "discontinuance" refers to cessation of operations, and "disconnection" refers to termination of a customer's service. This is the meaning applied in SB 48 regarding discontinuance of basic service, and there is no support for now conflating the two terms. (Interpretive guidance can be found in the way the statute was construed when it first became operative.) Thus, the basic service discontinuation prohibition in SB 48 cannot be construed to authorize any service disconnection rules for ILEC-ELECs.

- ~~(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) The customer's balance includes at least 2 months of basic service charges.~~
- ~~(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) 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) 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) The customer has clearly abandoned the premises;~~
 - ~~(3) The customer refuses to provide access to his premises for a necessary inspection of utility property; or~~
 - ~~(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 410.05 Complaints regarding basic service. The commission shall accept and resolve complaints ~~from ILEC customers~~ regarding basic service alleged violations of the requirements of Puc 410.03 and 410.04.

Comment [A29]: This language is more precise and establishes stylistic consistency with the language of Rule 405.06.

Puc 410.06 Conditional Interconnection Requirements. ILECs that are not exempt pursuant to 47 USC 251(f) shall:

- (a) Maintain a tariff for the following:
 - (1) interconnection services;
 - (2) unbundled network elements;

- (3) 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) The line-side of a local switch;
 - (2) The trunk-side of a local switch;
 - (3) The trunk interconnection points for a tandem switch;
 - (4) Central office cross-connect points;
 - (5) Out-of-band-signaling transfer points necessary to exchange traffic at these points and access call-related databases; and
 - (6) Points of access to unbundled network elements.

**PART Puc 4XX ADDITIONAL REQUIREMENTS APPLICABLE TO ILECS OPERATING
AS ELECS**

Comment [A30]: These rules have been moved from Part 410.

Puc 4X1 Basic Service Rate Changes

- (a) An ILEC–ELEC shall change its rates for basic service only through the following process:
 - (1) After August 10, 2020, the ILEC–ELEC may increase its rates to any level without commission review or approval;
 - (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 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. For customers who are enrolled in the Lifeline Telephone Assistance program, the cap on rate increases for basic services is 5%; and
 - b. For all other customers, the cap on rate increases for basic service is 10%; and
 - (3) The ILEC–ELEC may ~~shall~~ seek commission approval for additional ~~rate~~ increases in the rate for basic service in the event of changes in federal, state, or local government taxes, mandates, rules, regulation, or statutes.

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 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 retail telecommunications services.

Puc 411.0X Basic service

- (a) An ILEC-NELEC shall not impose exit fees on a customer who cancels basic service.
- (b) An ILEC-NELEC shall not ~~discontinue~~ disconnect basic service to a customer without commission authorization unless:
- (1) The ILEC-NELEC has notified the customer that basic service will be ~~discontinued~~ disconnected unless prompt payment is received;
 - (2) Fourteen days have passed since the notice was given; and
 - (3) The customer's balance includes at least 2 months of basic service charges.
- (c) If an ILEC-NELEC 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~~ disconnection, the ILEC-NELEC shall not ~~discontinue~~ disconnect 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.
- (d) Nothing in (a), (b) or (c) above shall prevent an ILEC-NELEC from ~~discontinuing~~ disconnecting basic service to a customer without commission authorization or notice to the customer when:
- (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) The customer has clearly abandoned the premises;

Comment [A31]: In the existing rules, the Commission distinguishes between "discontinuance" and "disconnection", in which "discontinuance" refers to cessation of operations, and "disconnection" refers to termination of a customer's service. This is the meaning applied in SB 48 regarding discontinuance of basic service, and there is no support for now conflating the two terms. (Interpretive guidance can be found in the way the statute was construed when it first became operative.) Thus, the basic service discontinuation prohibition in SB 48 cannot be construed to authorize any service disconnection rules.

Also, this proposed rule does not apply to ELECS. Commission jurisdiction over ILEC-ELEC basic service is limited to only two aspects of that service: 1) Discontinuing basic service throughout service territory 2) Rate increases above the statutory cap.

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

(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 411.04 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 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 Depreciation.

- (a) An ILEC–NELEC shall file Form ILEC-4 Report of Proposed Changes in Depreciation Rates as described in Puc 412.04, when proposing any changes in depreciation rates.
- (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. 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 (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 412.01, on or before March 31 each year, covering the most recent fiscal year.

Puc 411.09 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 Form ILEC-2 Petition for Authority to Issue Securities as described in Puc 412.02, with respect to seeking authority to issue securities;
- (b) A Form ILEC-3 Report of Proposed Fixed Capital Expenditures as described in Puc 412.03, when:
 - (1) The estimated cost of any addition, extensions, or capital improvement to its utility will exceed \$100,000;
 - (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) The reporting limit established in (b)(1) above shall apply to the total project cost, including contributions in aid of construction.

PART Puc 412 ILEC–NELEC FORMS

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

- (a) Utility filing information;
- (b) Contact information for the person responsible for the information on the form;
- (c) The calendar year that is the subject of the report;
- (d) The following schedules of information:
 - (1) A complete history of the ILEC, on Schedule A-1, General Information;
 - (2) A description of service territory and exchanges on Schedule A-5, List of Exchanges Served Directly, including:
 - a. List of towns served; and
 - b. Number of customers;
 - (3) 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. Changes in articles of incorporation or amendments to charter; and
 - f. Reference to a previously filed map defining the territory, unless:
 - 1. A map has not been previously filed;
 - 2. There have been changes to the territory; or
 - 3. The calendar year ends in "0" or "5"; and
- (4) Financial disclosure on Schedule A-9, Financial Disclosure Reporting, that includes:
- a. Data necessary to prevent the information from being misleading, such as:
 - 1. Extraordinary or material, unusual, or infrequently occurring items;
 - 2. Significant principles or practices from those used in the prior year; and
 - 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. 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) The following financial schedules:
- (1) The balance sheet at year end on Schedule F-10, Balance Sheet, showing assets, liabilities, and stockholders' equity; and
 - (2) An income statement on Schedule F-11, Income Statement, showing changes over the prior year;
- (f) The following schedules supporting balance sheet information:
- (1) 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;
- (2) 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;
- (g) The following income schedules:
- (1) Operating revenues on Schedule I-34, Operating Revenues, showing by account:
- a. Local network revenues;
 - b. Network access services revenues;
 - c. Long-distance network services revenues;
 - d. Miscellaneous revenues;
 - e. Uncollectible revenues; and
 - f. Difference in revenue in comparison to preceding year;
- (2) Explanations for changes in operating revenues, by account, on Schedule I-34A, Increase or Decrease in Operating Revenues, when:
- a. The account has a balance over \$10,000; and
 - b. The percentage change from the prior year is equal to or greater than 10%;
- (3) Operating expenses on Schedule I-35, Operating Expenses, showing current year balances and the change from the prior year, by account, for:

- a. Plant specific operations;
- b. Plant nonspecific operations;
- c. Customer operations; and
- d. Corporate operations;

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

- a. The account has a balance over \$10,000; and
- b. The percentage change from the prior year is equal to or greater than 10%;

(5) 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 complete description of the regulation, hearing or case;
- b. Special assessments by regulatory commissions;
- c. Fees, retainers, and other billed items; and
- d. Incremental payroll costs and directly associated expenses, exclusive of c above;

(h) The following plant and equipment schedules:

(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. Switches, showing:
 - 1. The following switch classifications:
 - (i) Central office switch; and
 - (ii) Primary switch;
 - 2. For each classification in 1 above, the number of switches at year end classified as:
 - (i) Electronic;
 - (ii) Digital; or

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

i Analog; or

ii Digital; and

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

b. Access lines, showing:

1. The following customer type categories:

(i) Residential;

(ii) Business; and

(iii) Other;

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

(i) Analog; and

(ii) Digital;

(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. Miles of aerial wire;

b. Miles of cable, broken down by:

1. The following cable classifications:

(i) Aerial;

(ii) Underground;

(iii) Buried;

(iv) Submarine; and

(v) Distribution or feeder;

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

(i) Copper; and

- (ii) Fiber; and
 - 3. For distribution or feeder cable in b.1.(v) above, a further breakdown into the following cable types:
 - (i) Copper;
 - (ii) Fiber lit sheath; and
 - (iii)Fiber deployed sheath;
 - c. Number of poles; and
 - d. Miles of underground conduit, showing:
 - 1. Trench miles; and
 - 2. Duct miles;
- (3) Statistics for outside plant related to for interoffice on Schedule S-3, Outside Plant Statistics – Interoffice, showing year end amounts for:
- a. Miles of aerial wire;
 - b. Miles of cable, broken down by
 - 1. The following cable classifications:
 - (i) Aerial;
 - (ii) Underground;
 - (iii)Buried;
 - (iv)Submarine; and
 - (v) Distribution or feeder;
 - 2. For each classification in b.1.(i) though (iv) above, a further breakdown into the following cable types:
 - (i) Copper; and
 - (ii) Fiber; and
 - 3. For distribution or feeder cable in b.1.(v) above, a further breakdown into the following cable types:
 - (i) Copper;

- (ii) Fiber lit sheath; and
 - (iii) Fiber deployed sheath;
- c. Number of poles; and
- d. Miles of underground conduit, showing:
 - 1. Trench miles; and
 - 2. Duct miles; and
- (i) Certification of all of the information submitted on or with the report, containing:
 - (1) A notary seal that has been made:
 - a. Under oath;
 - b. By the company's president or chief officer; and
 - c. By the company's treasurer or other officer in charge of accounts;
 - (2) Attestations, by each person, referred to in (1)b. and (1)c. above, that the information contained in the annual report:
 - a. Has been prepared under my direction;
 - b. The information has been carefully examined and reviewed by me;
 - c. Is accurate to the best of my knowledge; and
 - d. Provides an accurate statement of the position of the company;
 - (3) Signatures of each individual, referred to in (1)b. and (1)c. above; and
 - (4) Printed names and titles of the individuals in (3) above.

Puc 412.02 Form ILEC-2 Petition for Authority to Issue Securities. The "Petition for Authority to Issue Securities" required by Puc 411.09(a) shall include:

- (a) Utility filing information;
- (b) Contact information for the person responsible for the information on the form;
- (c) The following attachments:
 - (1) A petition for authority to issue securities including:
 - a. A description of authorized and outstanding long term debt and capital stock;

- b. The amount of short term notes outstanding;
 - c. A description of new securities;
 - d. A description of what proceeds will be used for; and
 - e. The petitioner's prayer asking for the relief requested;
- (2) A statement in reasonable detail of any proposed additions, construction or working capital requirements together with any proposed construction budget;
- (3) Testimony by a qualified person that:
- a. Explains the purpose of the financing;
 - b. Shows the effect of the financing on the company's financial rating(s);
 - c. Provides the proposed method of issuance and sale of the securities; and
 - d. Indicates how the financing will be consistent with the public good, pursuant to RSA 369:1;
- (d) The following exhibits:
- (1) Exhibit 1, "Authorized and Outstanding Long-Term Debt," detailing each of the company's long-term debts in tabular format, with the following for each:
- a. The type of debt;
 - b. If applicable, the coupon rate;
 - c. Issue and maturity dates;
 - d. Amount outstanding; and
 - e. If applicable, call prices on the start date and end date of the issue period of the proposed financing;
- (2) Exhibit 2, "Authorized and Outstanding Capital Stock," providing a description of each type of outstanding stock;
- (3) Exhibit 3, "Capital Expenditures," listing for the entire company and for New Hampshire:
- a. A breakdown of capital expenditures made during the most recent calendar; and
 - b. An estimate of capital expenditures for the current calendar year;

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

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

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

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

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

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

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

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

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

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

- a. Purchase and sale agreement(s) associated with the financing; and

- b. Letter(s) of commitment from lender(s) that the company is approved for the financing; and

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

- (e) Signature of the authorized representative of the ILEC, with date, certifying that:

(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) 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 Form ILEC-3 Report of Proposed Fixed Capital Expenditures. The "Report of Proposed Fixed Capital Expenditures" required by Puc 411.09(b) shall include:

- (a) Utility filing information;
- (b) Contact information for the person responsible for the information on the form;
- (c) The year that is the subject of the report;
- (d) The date of the report; and
- (e) For each proposed expenditure:
 - (1) The item number;
 - (2) The location of the proposed expenditure;
 - (3) A description of the proposed addition, extension or capital improvement;
 - (4) The estimated start and finish dates of construction; and
 - (5) The estimated cost of each element of the proposed addition.

Puc 412.04 Form ILEC-4 Report of Proposed Changes in Depreciation Rates. The "Report of Proposed Changes in Depreciation Rates" required by Puc 411.06(a) shall include:

- (a) Utility filing information;
- (b) Contact information for the person responsible for the information on the form;

- (c) The year that is the subject of the report;
- (d) The date of the report;
- (e) For each item whose depreciation rate is proposed for revision:
 - (1) The account number and title;
 - (2) The estimated life, both present and proposed, in years;
 - (3) The net salvage, both present and proposed, in percentages;
 - (4) The depreciation rate, both present and proposed, by percentage; and
 - (5) The net annual change in dollars; and
- (f) Any supporting documentation justifying the change the ILEC submits.