

1                                   **STATE OF NEW HAMPSHIRE**  
2                                   **PUBLIC UTILITIES COMMISSION**

3  
4   **June 19, 2020 - 10:39 a.m.**

5                   *[Remote Hearing conducted via Webex]*

6  
7           **RE: DT 20-068**  
8           **SPRINT COMMUNICATIONS COMPANY, L.P.:**  
9           **Telecommunications Relay Service.**  
10           **(Prehearing conference)**

11           **PRESENT:**   Chairwoman Dianne Martin, Presiding  
12                           Cmsr. Kathryn M. Bailey  
13                           Cmsr. Michael S. Giaimo

14                           Jody Carmody, Clerk and PUC  
15   Remote Hearing Host

16           **APPEARANCES:**   **Reptg. Sprint Communications Co., L.P:**  
17                           Michelle Painter, Esq.

18                           **Reptg. N.H. Telephone Association:**  
19                           Paul Phillips, Esq. *(Primmer, Piper...)*

20                           **Reptg. PUC Staff:**  
21                           Eric Wind, Esq.  
22                           Amanda Noonan, Dir./CS&EA Div.  
23                           Kath Mullholand, Dir./RI&S Div.

24           **ALSO PRESENT:**  
25           Laurie Meyer, ASL *(American Sign Language)*  
26           Rebekah Mallory, ASL *(American Sign Language)*  
27           Jenni Thomas, ASL *(American Sign Language)*  
28           Susan Thomas-Gaines, ASL *(American Sign Language)*  
29           Denise Garcia, CART *(Communication Access*  
30   *Real-time Translation)*

31                   Court Reporter:   Steven E. Patnaude, LCR No. 52

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**P R O C E E D I N G**

CHAIRWOMAN MARTIN: All right. Thank you. Good morning, everyone.

We're here this morning in Docket -- sorry about that -- Docket DT 20-049 [20-068?], which is the Sprint Communications Company L.P.'s Request for Rate Adjustment for Telecommunications Relay Services for a prehearing conference.

I need to make some findings because we're doing this hearing remotely. As Chairwoman of the Public Utilities Commission, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order Number 12 to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this hearing, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are utilizing Webex for this electronic hearing. All members of the

1 Commission have the ability to communicate  
2 contemporaneously during this hearing through  
3 this platform. And the public has access to  
4 contemporaneously listen and, if necessary,  
5 participate.

6 We previously gave notice to the public  
7 of the necessary information for accessing the  
8 hearing in the Order of Notice. If anybody has a  
9 problem during the hearing, please call  
10 (603)271-2431. In the event the public is unable  
11 to access the hearing, the hearing will be  
12 adjourned and rescheduled.

13 And, just to clarify, in case I  
14 mistakenly spoke at the beginning, it is Docket  
15 DT 20-068. Okay.

16 If you need to be recognized by me  
17 during this hearing, if you could just put your  
18 hand up. If you're having a problem or there are  
19 any issues, if you put your hand up, we'll pause  
20 and try to resolve it.

21 We will start with roll call attendance  
22 of the Commission, and then we'll take  
23 appearances. Commissioners, please state where  
24 you're located, and, if anyone else is with you,

1           please identify them.

2                       My name is Dianne Martin. I'm the  
3           Chairwoman of the Public Utilities Commission.  
4           And I am located at my home, in Deerfield, New  
5           Hampshire, and I am alone.

6                       Commissioner Bailey.

7                       CMSR. BAILEY: Good morning, everyone.  
8           My name is Commissioner Kathryn Bailey. And I'm  
9           located at my home, and no one is with me. Nice  
10          to see you.

11                      CHAIRWOMAN MARTIN: Commissioner  
12          Giaimo.

13                      CMSR. GIAIMO: Good morning. Michael  
14          Giaimo. I'm in Concord, New Hampshire, at the  
15          Public Utility Commission's offices, and I am by  
16          myself.

17                      CHAIRWOMAN MARTIN: Okay. Let's take  
18          appearances please. Starting with Ms. Painter.

19                      MS. PAINTER: Good morning. My name is  
20          Michelle Painter. And I represent Sprint  
21          Communications.

22                      CHAIRWOMAN MARTIN: Thank you.

23                      MS. PAINTER: Would you like me to  
24          state my location or do I not need to?

1 CHAIRWOMAN MARTIN: You don't need to.

2 MS. PAINTER: Okay. Thank you.

3 CHAIRWOMAN MARTIN: Mr. Phillips.

4 MR. PHILLIPS: Thank you, Madam

5 Chairwoman and Commissioners. My name is Paul

6 Phillips. I'm an attorney with Primmer, Piper,

7 Eggleston & Cramer, in Manchester. I'm

8 participating from my home, in Plymouth, New

9 Hampshire. I'm here representing the New

10 Hampshire Telephone Association, which is

11 comprised of all of the incumbent local exchange

12 carriers in the State of New Hampshire.

13 And I'm joined today by Chris Rand, who

14 is the Vice President of Granite State

15 Communications, and serves as President of the

16 New Hampshire Telephone Association.

17 CHAIRWOMAN MARTIN: Mr. Phillips, can

18 you clarify whether you're representing just the

19 Association or the individual incumbent local

20 exchange carriers?

21 MR. PHILLIPS: Thank you, Madam

22 Chairwoman. For this purpose, I represent the

23 Association and all of its constituent members.

24 CHAIRWOMAN MARTIN: Okay. Thank you.

1 And Mr. Wind.

2 MR. WIND: Good morning, and thank you.  
3 My name is Eric Wind. And I am representing the  
4 Commission Staff in this matter.

5 Accompanying me today is Amanda Noonan,  
6 the Division Director for Consumer Services and  
7 External Affairs. And also on the line is Kath  
8 Mullholand, who is recently retired, but I  
9 believe still the Division Director for  
10 Regulatory Innovation and Strategy, which is the  
11 *de facto* telecom regulator for the Commission.

12 CHAIRWOMAN MARTIN: All right. Thank  
13 you.

14 Mr. Wind, did you want to open up with  
15 setting the stage for this proceeding?

16 MR. WIND: As a preliminary matter, I  
17 will just note that Attorney Painter, Attorney  
18 Phillips, and myself agreed on an agenda or order  
19 for this proceeding. So, we will first turn to  
20 the other preliminary matter of confidentiality,  
21 and then take preliminary positions in the normal  
22 order of Attorney Painter, Attorney Phillips, and  
23 then myself. And then, the public will be given  
24 an opportunity to comment.

1 CHAIRWOMAN MARTIN: Okay. Thank you.

2 Ms. Painter, did you want to be heard  
3 on the motion?

4 MS. PAINTER: Yes. Thank you,  
5 Chairwoman Martin and Commissioners.

6 As part of its filing, Sprint filed a  
7 Motion for Confidential and Proprietary  
8 Treatment. And the only part of the filing that  
9 was marked "confidential" was the section related  
10 to the proposed rates. And, as noted in the  
11 Motion, those are highly confidential.  
12 Revelation of those to the public could create  
13 competitive harm to Sprint. It's generally  
14 information that is not available to the public  
15 or even generally available within the Company  
16 it's kept confidential.

17 So, we would request that the  
18 Commission grant the Motion for Confidentiality  
19 and keep the proposed rates confidential.

20 CHAIRWOMAN MARTIN: Okay. Thank you.  
21 Is there any objection to that?

22 MR. WIND: No objection from Staff.

23 CHAIRWOMAN MARTIN: Mr. Phillips,  
24 you're on mute.



1 MR. PHILLIPS: My apologies. We have  
2 no objection.

3 CHAIRWOMAN MARTIN: Okay. Thank you.  
4 We'll take the Motion under advisement and issue  
5 an order on that. But please treat all  
6 confidential information that was marked as such  
7 as confidential in this proceeding.

8 All right. Ms. Painter, would you like  
9 to start?

10 MS. PAINTER: Yes. Thank you.

11 Sprint Communications Company has been  
12 a proud provider of telecommunications Relay  
13 Services to the citizens of New Hampshire since  
14 1991. We value our longstanding partnership and  
15 look forward to continuing to provide exceptional  
16 service to those New Hampshire citizens who rely  
17 on relay service to communicate. Sprint is a  
18 leader of TRS services throughout the country and  
19 even internationally. Sprint provides TRS in 38  
20 states, including Puerto Rico and the U.S. Virgin  
21 Islands, as well as to the Federal government and  
22 to the country of New Zealand.

23 On May 6, 2020, Sprint made a filing  
24 with the New Hampshire Public Utilities

1 Commission to provide new service options and to  
2 update our pricing package for at least the next  
3 five years. Sprint is requesting rate  
4 adjustments for TRS and Captioned Telephone  
5 Service, or CapTel, effective 60 days after the  
6 Commission approves the rates.

7 One of Sprint's key strategies is to  
8 deliver the best-cost value and to ensure that  
9 customers know what to expect. Most State TRS  
10 contracts have rates in effect for approximately  
11 three to five years, and the FCC adjusts their  
12 reimbursement rates every year. So, the current  
13 rate in New Hampshire went into effect over six  
14 years ago, or on March 1st, 2014. As I will  
15 discuss, there are new services that are being  
16 provided and valid justifications for the pricing  
17 modification and increase.

18 So, first, I'll talk about the new  
19 service offerings. Sprint is pleased to offer  
20 two new services: Spanish-to-Spanish relay  
21 services and Automated 711, that would be  
22 included in the pricing package, and then another  
23 service option that would be in addition to the  
24 pricing package and has separate pricing, and

1           that's Relay Conference Captioning.

2                       So, Intrastate Spanish provides New  
3       Hampshire relay users with the ability to make  
4       Spanish relay calls to callers within New  
5       Hampshire. Sprint will provide the Commission  
6       with a dedicated toll-free number for in-state  
7       Spanish calling, and will modify its outreach  
8       materials to notify customers and promote this  
9       new number. And the New Hampshire reporting  
10      package would include these calls.

11                      With Automated 711, New Hampshire Relay  
12      users who have a registered customer profile with  
13      Spanish or Speech-to-Speech preferences would  
14      automatically be routed to a Relay Agent with  
15      those skills. New Hampshire's monthly reporting  
16      package would include those calls as well.

17                      New Hampshire Relay users, turning on  
18      to the Relay Captioning Conference *[sic]*, which  
19      is RCC, the users who need to participate in  
20      conference calls, webinars, or online training  
21      sessions can join with RCC. It ensures meeting  
22      attendees who are deaf, hard-of-hearing, or have  
23      a speech disability are in synch with their  
24      colleagues and can view content via transcripts.

1       The same high-quality captioners who produce  
2       closed-captioning for television shows will  
3       deliver fast and accurate captions to New  
4       Hampshire Relay meeting attendees. RCC is  
5       available for meetings with two or more attendees  
6       and is intended for business purposes only. RCC  
7       participants have two options to speak directly  
8       or type their responses, and the captioner will  
9       speak directly through the conference bridge  
10      while viewing captions via an internet-connected  
11      computer or mobile device. RCC is offered at a  
12      rate separate from the monthly recurring charge,  
13      which is included in the Sprint proposal. In  
14      addition, I should note that RCC service is not  
15      an "on-demand" service. A person who requests  
16      the service will need to reserve it 48 hours in  
17      advance.

18               Now, onto the pricing proposal.

19      Sprint's pricing proposal has an updated pricing  
20      structure and a rate change for New Hampshire.  
21      Today, the pricing structure is a combined per  
22      minute charge and a monthly recurring charge.  
23      The proposal is to change it to a monthly  
24      recurring charge only. And a monthly recurring

1 charge rate structure has become popular with  
2 some of our other state customers, including  
3 those with traffic profiles that are similar to  
4 New Hampshire. Our state customers find it  
5 beneficial to provide their budget offices with  
6 more stable and predictable financials by having  
7 a steady monthly recurring rate.

8 It's also beneficial, because, subject  
9 to a possibility of some dramatic traffic  
10 changes, it would be the same charge applicable  
11 throughout the contract term. A fixed pricing  
12 structure avoids increasing prices per minute  
13 incurred as minutes of use continue to decline  
14 and service-related costs increase.

15 New Hampshire's TRS and CapTel usages  
16 have continued to decline. And we anticipate  
17 this trend will continue, because consumers are  
18 moving away from traditional TTY to wireless  
19 devices and other internet services, such as IP  
20 Relay and IP CapTel. And the FCC reimburses for  
21 those services.

22 So, Sprint's primary pricing proposal  
23 is based on four primary points. First, the  
24 prices per billable minute for wireline relay

1 services are increasing across the industry.  
2 Second, as minutes of relay decrease and  
3 infrastructure costs increase, the per-minute  
4 cost of the service increases. Third, labor  
5 costs have increased due to labor wage increases.  
6 Finally, investments in technology are necessary  
7 to maintain communications on par with standard  
8 phone users. And Sprint consistently invests in  
9 its relay products to ensure it fulfills its  
10 obligations.

11 So, in conclusion, Sprint's goal is to  
12 work with the New Hampshire Utilities Commission  
13 towards mutually agreeable pricing. We value  
14 very much our relationship with New Hampshire and  
15 its user communities. We look forward to  
16 continuing our long partnership with the New  
17 Hampshire Commission and with the Northeast Deaf  
18 and Hard of Hearing Services to continue to  
19 provide New Hampshire Relay service.

20 Thank you.

21 CHAIRWOMAN MARTIN: Thank you. Mr.  
22 Phillips.

23 MR. PHILLIPS: Thank you, Madam  
24 Chairwoman.

1           The Commission has invited the New  
2           Hampshire Telephone Association to participate  
3           today as mandatory parties. We thank the PUC for  
4           the invitation. But we do want to make sure at  
5           the outset that it's understood that we don't  
6           wish to complicate this case for Sprint. We  
7           don't want to delay the Commission's proceeding  
8           in this docket. NHTA does not see a need to  
9           participate actively in the case, nor do we need  
10          to have access to any confidential information.

11          There are separate issues involving the  
12          administration of the TRS Trust that bear no  
13          relation to the Sprint filing. And, in NHTA's  
14          view, those issues should be addressed in a  
15          separate proceeding.

16          Some background is in order. The  
17          member companies of NHTA are all of the incumbent  
18          local exchange carriers, who were original  
19          parties in 1991 when this Commission established  
20          the New Hampshire TRS Program, in Docket  
21          DE 90-225.

22          To carry out the PUC's order to  
23          establish a mechanism for the ILECs to recover  
24          their costs of providing TRS service, the ILECs

1       established the TRS Trust, and designated the PUC  
2       as the Trust Administrator.

3               Since February, the NHTA has had  
4       ongoing discussions with Commission Staff about  
5       transitioning the administration of the TRS Trust  
6       to a third party administrator. Those  
7       discussions are ongoing. NHTA has had a chance  
8       to review the legal framework of the TRS Trust,  
9       and has received a legal analysis about the  
10      respective rights and obligations of the parties,  
11      including the Commission.

12             And, regardless of who's ultimately  
13      responsible for approving or appointing the third  
14      party administrator, I want to be clear that NHTA  
15      is committed to identifying and designating a new  
16      third party administrator at some point in the  
17      future.

18             CHAIRWOMAN MARTIN: Mr. Phillips, I  
19      apologize for interrupting. I can't see  
20      Ms. Meyer on the screen anymore. Can anyone  
21      else?

22             MR. PHILLIPS: I cannot see Ms.  
23      Meyer.

24             CHAIRWOMAN MARTIN: I think we should



1 confirm that she is still able to see us before  
2 we proceed. Mr. Wind or Ms. Carmody, could you  
3 check on that please.

4 MS. NOONAN: Chairwoman Martin?

5 CHAIRWOMAN MARTIN: Yes.

6 MS. NOONAN: I thought Ms. Meyer was  
7 going to be alternating interpreting with another  
8 interpreter, Ms. Mallory, who was unable to get  
9 in via Webex, but is linked in via Ms. Meyer.  
10 So, I think, when they are switching, I think we  
11 will only see Rebekah.

12 CHAIRWOMAN MARTIN: Okay.

13 MS. NOONAN: Laurie, you're on mute.

14 MS. MEYER: Rebekah is working right  
15 now.

16 CHAIRWOMAN MARTIN: Okay. So, we can  
17 proceed. Excellent. Thank you.

18 I apologize, Mr. Phillips.

19 MR. PHILLIPS: No, that's fine. Thank  
20 you. I think that's an important issue.

21 But the long and short of it is that  
22 NHTA is committed to designating a new third  
23 party administrator and working in junction with  
24 the Commission on that process.

1                   And, if necessary, NHTA plans to  
2                   petition the PUC to approve that process. But  
3                   that would be a separate proceeding from this  
4                   one. And, for present purposes, we don't see a  
5                   need to have involvement in the PUC's  
6                   consideration of the issues in this docket.

7                   Thank you.

8                   CHAIRWOMAN MARTIN: Okay. Commissioner  
9                   Bailey.

10                  CMSR. BAILEY: Thank you.

11                  Mr. Phillips, the Order of Notice  
12                  noticed this docket as a docket where we would  
13                  consider the future of the Trust Fund. Can you  
14                  tell me why it should be split into a different  
15                  docket?

16                  MR. PHILLIPS: I'm sorry, Commissioner  
17                  Bailey. You broke up in the middle there, and I  
18                  didn't quite hear the substance of the point you  
19                  were making.

20                  CMSR. BAILEY: Sorry. Can you hear me  
21                  now?

22                  MR. PHILLIPS: Yes.

23                  CMSR. BAILEY: The Order of Notice in  
24                  this docket noticed the issue about the Trust

1 Fund administration as one that would be included  
2 in this docket. And I'm just curious to know why  
3 you think we should open a separate docket, and  
4 why we shouldn't get both issues accomplished in  
5 this docket?

6 MR. PHILLIPS: Well, of course, I don't  
7 presume to tell the Commission how to run its  
8 cases. But I do believe there's a legal issue  
9 that we've identified, in terms of the  
10 appropriate responsibility for appointing and  
11 approving the third party administrator. And I  
12 understand, in my discussions with Director  
13 Mullholand, that NHTA may take a slightly  
14 different view from Commission Staff on that  
15 point.

16 And, so, it is NHTA's view, having had  
17 a long history of not intervening, interfering  
18 with, and delaying fellow carriers' cases, that  
19 those issues that we've identified are best  
20 handled separately and not within the framework  
21 of this case, which is really specific to the  
22 Sprint filing.

23 CMSR. BAILEY: Is that because you  
24 think that those legal issues are going to take a

1 long time to resolve?

2 MR. PHILLIPS: Well, of course, without  
3 having made a filing or expressed a position or  
4 heard the Commission's position, and I'm not sure  
5 how long it would take, but I think there's a  
6 potential that it could take longer than perhaps  
7 we think.

8 CMSR. BAILEY: Okay. Thank you.

9 CHAIRWOMAN MARTIN: All right. Mr.  
10 Wind.

11 MR. WIND: Thank you. And I do need to  
12 correct myself from earlier, to amend the record  
13 just slightly. Kath Mullholand is not appearing  
14 with me on behalf of Staff today. She is  
15 observing as a member of the public.

16 Moving on. Staff is looking forward to  
17 the discussions that will follow this prehearing  
18 conference relating to Sprint's proposed rates  
19 and services as New Hampshire's TRS provider. We  
20 will work collaboratively in making an assessment  
21 whether Sprint's proposed changes will result in  
22 safe and adequate service at just and reasonable  
23 rates, as is required by RSA 374:1 and 374:2.

24 Additionally, Staff believes it is

1 appropriate to assess whether the Commission  
2 remains the appropriate entity to oversee the TRS  
3 funds going forward. Simply stated, regulatory  
4 changes leave the Commission with fewer and fewer  
5 resources directed at telecommunications  
6 regulation. With diminishing levels of staffing  
7 with expertise in telecommunications regulation,  
8 we believe it is appropriate to raise the issue  
9 in this proceeding. Thus the language in the  
10 Order of Notice that stated "whether, in light of  
11 telephone industry deregulation, the Commission  
12 is the appropriate party to administer the TRS  
13 Fund."

14 I thank Attorney Phillips for providing  
15 some background. Without going into too much  
16 depth or repeating anything that he said, it is  
17 true that the Docket DE 90-225 was opened to  
18 assess the means by which New Hampshire telephone  
19 utilities would comply with a federal statutory  
20 obligation to provide TRS. By agreement of the  
21 parties at that time, the proceeding resulted in  
22 a single statewide TRS provider being selected;  
23 the establishment of a cost recovery mechanism  
24 based on a per access line charge; and the

1 creation of the TRS Fund, administered by an  
2 escrow agent and overseen by the Commission. In  
3 Order Number 20,236, Sprint was selected as that  
4 service provider and was granted a franchise to  
5 provide telecommunications relay services  
6 statewide.

7 As Attorney Painter pointed out, Sprint  
8 has served as New Hampshire's TRS provider ever  
9 since. The last decade, however, has seen  
10 telecommunications utilities largely deregulated  
11 in New Hampshire. Notably, SB 48, enacted in  
12 2012, broadly curtailed the Commission's  
13 jurisdiction over telecommunications services and  
14 providers. Since that enactment, the Commission  
15 has restructured its staff, and no longer  
16 maintains a dedicated telecommunications  
17 division, and is unlikely to retain staff members  
18 with subject matter expertise in  
19 telecommunications regulation going forward.

20 To be clear, nothing Staff is raising  
21 today implicates telecommunications service  
22 providers' duty to provide TRS. Pursuant to N.H.  
23 Code Admin. Rules Puc 404.09, ELECs and ILECs  
24 must still provide telecommunications relay

1 services. Pursuant to 47 C.F.R. Section 64.603,  
2 common carriers must still provide TRS  
3 services.

4 As an additional aside, pursuant to  
5 Order 26,051, certain funds from a wholesale  
6 Performance Plan currently flow into the TRS  
7 Fund. With these factors identified, we believe  
8 that now is an appropriate time and docket to  
9 explore TRS Fund administration alternatives. As  
10 we explore these issues, we are committed to  
11 incorporating feedback from New Hampshire's deaf  
12 and hard-of-hearing community in our  
13 decision-making.

14 Lastly, we look forward to the  
15 technical session that will commence shortly.

16 CHAIRWOMAN MARTIN: Okay. Thank you  
17 for that.

18 Do we have any members of the public  
19 who wish to be heard?

20 MS. CARMODY: No.

21 CHAIRWOMAN MARTIN: Okay. Is there  
22 anything else we need to do before you head to  
23 the technical session?

24 *[No verbal response.]*

1                   CHAIRWOMAN MARTIN: All right. Seeing  
2                   nothing, then we are adjourned. Thank you,  
3                   everyone.

4                   *(Whereupon the prehearing conference*  
5                   *as adjourned at 11:04 a.m., and a*  
6                   *technical session was held thereafter.)*