

DT 01-008

**VERIZON NEW HAMPSHIRE**

**Tariff Filing Introducing Charges for Busy Line Verification  
and Busy Line Interrupt Service**

**Order on Motion for Rehearing/Reconsideration**

**O R D E R    N O.    23,676**

**April 12, 2001**

**I. INTRODUCTION and BACKGROUND**

Order No. 23,638 was issued by the New Hampshire Public Utilities Commission on February 20, 2001, approving with modification Verizon New Hampshire's tariff filing introducing charges for Busy Line Verification and Busy Line Interrupt Services. On January 19, 2001, Verizon New Hampshire (Verizon), pursuant to RSA 378:6, IV, submitted the tariff pages for effect on February 18, 2001. The tariff pages, as originally filed, proposed rates of \$2.50 per request for Busy Line Verification (BLV) and \$5.00 per request for Busy Line Interrupt Service (BLI) or a combination of BLV and BLI when the operator verifies the status of the line and interrupts the conversation on the same request.

On February 15, 2001, Staff submitted a memorandum to the Commissioners regarding the proposed tariff. The memorandum suggested modifications to the proposal. In Order No. 23,638, the Commission found, based on the evidence

submitted by Staff, that the "proposed rates appear[ed] to exceed the cost of providing the service and [we]re not just and reasonable." As a result the Commission ordered that Verizon modify the tariff to provide for BLV and BLI at rates of \$1.85 and \$2.40 respectively. The Commission also found that adequate customer notification was needed to inform customers that a service previously offered at no charge would now require a charge. The Commission ordered Verizon to notify its customers of the new charge by enclosing informational inserts into the bills of the next two monthly cycles and to have operators indefinitely inform customers of the charges for the service before a customer agrees to use it.

On March 22, 2001, Verizon New Hampshire submitted a Motion for Reconsideration and/or Rehearing to the Commission arguing that in making its determination the Commission imposed notification requirements and reduced the proposed rates without providing the Company with notice or an opportunity to respond to the evidence considered by the Commission. Verizon further averred that, pursuant to RSA 378:7, only after a hearing can the Commission determine and fix rates where it is of the opinion the proposed rates are unjust and unreasonable.

The Company also contended that on the merits of the case the Commission should have approved the tariff amendments as filed but if, however, the Commission had concerns the better course of action would have been to reject the filing. This, Verizon maintains, would have allowed the Company and Staff to discuss and possibly resolve any issues with the filing.

## **II. COMMISSION DISCUSSION**

In any review of a motion for rehearing this Commission shall consider each and every ground that is claimed to be unlawful or unreasonable and grant the request if there is good reason. RSA 541:3, RSA 541:4. Verizon bases its motion on three grounds. First, Verizon contends that the indefinite duration requirement that the operator notify customers of the BLV/BLI charge is inappropriate. Next, Verizon argues that the Commission should not set Verizon New Hampshire's prices for BLV/BLI services while granting competitors unfettered discretion to set market-based prices for their equivalent services. Finally, Verizon argues that it was unlawful for the Commission to modify the proposed rates without an opportunity to respond to the issues.

We have reviewed this case and believe Verizon New Hampshire is entitled to relief. Verizon has stated good

reason for this Commission to reevaluate its position. We agree that the better course would have been to allow the Company an opportunity to comment on Staff's proposal before we decided the case.

Verizon asks that we afford it the "opportunity to respond to the Commission's concerns that led to the modifications of the tariff filing, including amplifying the record or challenging information the Commission intends to consider." Motion for Reconsideration, p. 6. We believe, given the circumstances of this case, it would be appropriate to allow Verizon to supplement its filing and provide evidence to support the rates it proposes for the BLV/BLI service. Additionally, Verizon should be allowed to provide justification that the indefinite-duration operator notice provision would substantially increase the cost of the service while only providing marginal benefit to the customer.

RSA 378:6, IV provides that any tariff for services by a telephone utility except those reviewed under RSA 378:6, I(a) will become effective 30 days after filing unless the commission amends or rejects the filing in the 30-day period. The statute goes on to give the Commission authority to extend the time for determination by 30 days where there is disagreement with the tariff. We agree that the better course

would have been to reject the filing or extended the additional time in which to review the proposal. Accordingly, we believe an appropriate remedy is to modify Order No. 23,638 to suspend the tariff and allow an additional 30 days to review the filing. To expedite this review, we will require that within 10 business days the Company shall file price support for its proposal along with any information rebutting the operator notification provisions discussed in the previous order. This way our Staff can work with the Company to work out specific details of the proposal and provide us time to effectuate a tariff no later than 30 days from the date of this order. In this regard, we direct our Staff to work with the Company towards a possible resolution of the docket so a decision on the BLV/BLI services can be made no later than May 11, 2001.

**Based upon the foregoing, it is hereby**

**ORDERED,** that the Verizon NH request for rehearing/reconsideration is granted; and it is

**FURTHER ORDERED,** that Order No. 23,638 is superseded by this order; and it is

**FURTHER ORDERED,** that Verizon provide price support for the proposal and any operator notification rebuttal no later than April 26, 2001; and it is

**FURTHER ORDERED,** that Staff work with the Company to prepare appropriate modifications so that this Commission can make a decision on the tariff no later than May 11, 2001; and it is

**FURTHER ORDERED,** that the tariff filing that is the subject of this docket is hereby suspended.

By order of the Public Utilities Commission of New Hampshire this twelfth day of April, 2001.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary