

DT 02-229

IDT AMERICA CORPORATION

Petition to Amend Order No. 24,124  
By Granting Authority to Collect Advanced Payments

Order Nisi Granting Authorization

O R D E R N O. 24,247

December 5, 2003

On February 7, 2003, IDT America Corporation (IDT) was granted authority to provide switched and non-switched local exchange telecommunications services by the New Hampshire Public Utilities Commission (Commission) by Order Nisi No. 24,124. That Order granted IDT's request for a waiver of New Hampshire Code of Admin. Rules Puc 1304.02(b) based upon the petitioner's sworn statement that it did not intend to collect any deposits, prepayments or advanced payments from its New Hampshire customers prior to the provision of service.

On August 22, 2003, IDT requested amendment of that Order to allow it to collect advanced payments. IDT filed a copy of a surety bond in the amount of \$10,000.00, which it estimates will exceed the total amount of deposits or advanced payments collected from New Hampshire customers. IDT states that it may require a customer to make an advanced payment before services and facilities are furnished. That advanced payment will be limited to the non-recurring charge(s) and one month's charges for service or facilities. The payment will be applied to the

first month's bill and an additional one month advanced payment will be required for each subsequent month.

PUC 1304.02(b) requires any provider who collects deposits or advanced payment to file a bond with the Commission sufficient to cover deposits and advanced payments made by customers. IDT has fulfilled that requirement by filing a surety bond in the amount of \$10,000.00.

We find that IDT has complied with our rules pertaining to advanced payments. We will amend our prior order and allow IDT to collect payment before service is rendered. IDT shall modify its rate sheets and file them with the Commission, specifying the terms of such advanced payments prior to implementation. Should the amount of deposits or advanced payments it estimates it will collect exceed \$10,000.00, IDT shall increase its surety bond as well, pursuant to PUC 1304.02(b).

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

**ORDERED NISI**, that subject to the effective date below, IDT's request for amendment to the provisions of Order No. 24,124, by revocation of the waiver to Puc 1304.02(b) is GRANTED, allowing IDT to collect advanced payments as described in documents filed with its petition, subject to all relevant Commission rules and orders; and it is

**FURTHER ORDERED**, that IDT modify its rate sheets on file with the Commission to specify the terms of advanced payment, prior to collecting advanced payment from customers in New Hampshire; and it is

**FURTHER ORDERED**, that IDT maintain a surety bond payable to the State of New Hampshire of sufficient dollar volume to cover the total amount of deposits and/or advanced payments collected by IDT at any given time; and it is

**FURTHER ORDERED**, that IDT shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation, such publication to be no later than December 15, 2003, and to be documented by affidavit filed with this office on or before December 29, 2003; and it is

**FURTHER ORDERED**, that all persons interested in responding to this Order Nisi shall submit their comments or file a written request for a hearing on this matter before the Commission no later than December 22, 2003; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective January 5, 2004, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New  
Hampshire this fifth day of December, 2003.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Graham J. Morrison  
Commissioner

Attested by:

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Michelle A. Caraway  
Assistant Executive Director