

**DT 04-135**

**PETITION TO DESIGNATE A PUBLIC INTEREST PAYPHONE  
AT THE STINSON LAKE STORE IN RUMNEY**

**Order Granting Petition**

**ORDER NO. 24,438**

**February 25, 2005**

Appearances: Representative John R. M. Alger; Reidun Lewis; Robert Donovan; Kevin Shea for Verizon, New Hampshire; F. Anne Ross, Esq. for of the Office of Consumer Advocate; Edward Damon, Esq. and Suzanne Amidon, Esq. for Commission Staff.

**I. PROCEDURAL BACKGROUND**

On August 2, 2004, Representative John R. M. Alger (Petitioner) filed with the New Hampshire Public Utilities Commission (Commission) a Petition to Designate a Public Interest Payphone at the Stinson Lake Store in Rumney, New Hampshire. The Petition was filed pursuant to Order No. 23,706, *Re Public Interest Payphones*, 86 NH PUC 331 (2001) <sup>1</sup>(PIP Order). The Petition included the signatures of 33 persons residing in the location of the Stinson Lake Store, and letters from William H. Main, the Rumney Chief of Police, Rumney Selectmen Robert Berti and Albert Morrill, and John DeWer, Assistant Director of the Rumney First Aid Stabilization Team (F.A.S.T.) Squad. The Petition also included a letter from Michael and Reidun Lewis, owners of the Stinson Lake Store in Rumney, expressing their consent to the installation of a public payphone on their property.

On August 9, 2005, the Office of Consumer Advocate (OCA) notified the Commission that it would participate in Docket No. DT 04-135 on behalf of residential

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<sup>1</sup> The federal statutory basis and the Commission's procedural history for the Commission's PIP Order and the Commission's authority to designate PIP's can be found at *Re Public Interest Payphones*, 83 NH PUC 654 (1998).

ratepayers pursuant to RSA 363:28. On September 14, 2004, the Commission issued an Order of Notice establishing a Prehearing Conference for October 13, 2004. On October 8, 2004, Verizon New Hampshire (Verizon) filed a Petition to Intervene. At the Prehearing Conference on October 13, 2004, Rumney residents Robert Donovan and Mr. and Mrs. Lewis expressed their interest in participating in the Docket as intervenors. The Commission granted all requests for intervention.

Following the Prehearing Conference, the Commission established a Procedural Schedule. The Procedural Schedule incorporated the process established by the Commission in the PIP Order and required Staff to conduct an investigation to determine whether the Stinson Lake Store payphone met the nine criteria to qualify as a public interest payphone. 86 NH PUC at 333. The Commission ordered the Staff to complete its investigation and to file a report with the Commission by November 30, 2004.

On November 30, 2004, Staff filed its report recommending a payphone be reinstalled at the Stinson Lake Store and designated as a PIP. No intervenor objected to the Staff report, and the Commission therefore cancelled the Settlement conference scheduled for December 17, 2004. The Hearing was held on January 21, 2005.

## **II. STAFF RECOMMENDATION**

Staff reports that, until May, 2002, a payphone was located at the Stinson Lake Store. Consequently, in applying the PIP Order criteria to the Stinson Lake Store location, the Staff investigated the status and characteristics of the pre-existing payphone as well as the current situation at Stinson Lake. Staff reviewed the Petition and accompanying letters, conducted a site visit, and interviewed the Rumney Chief of Police and the Assistant Director of

the F.A.S.T. Squad. Staff concluded that the Stinson Lake Store location met all nine requirements and qualified for PIP location status.

In Staff's view, the Stinson Lake Store location fulfills a public welfare, health and safety objective (Criterion 1). Staff confirmed that the recreational opportunities at Stinson Lake attract both summer and winter visitors, and a payphone is necessary in the event of an accident or other emergency because cellular telephone service is not available in the area. The Chief of the Rumney Police Department and the Assistant Director of the F.A.S.T. Squad both attested in writing to the need for a payphone at Stinson Lake in case of emergencies.

The Stinson Lake Store payphone would not exist without a PIP designation (Criterion 2) since no provider has placed a payphone at this location following removal of the Verizon payphone in 2002. The Petitioner contacted 15 payphone providers, none of which would agree to provide service at that location.

The Stinson Lake Store payphone location also qualifies under Criterion 3, which requires that it have actual or projected revenue paid to the payphone provider of a minimum of \$30.00 per month on an annual average, or an average use of 3.5 calls per day. Based on the available annual revenue information for the period of March, 2001 to March 2002, Staff concluded that the average monthly revenue will exceed \$30.00.

The payphone which was previously located at the Stinson Lake Store was a single, stand-alone payphone (Criterion 4), and was not a coinless payphone (Criterion 5). In addition, the previous payphone was capable of receiving sent-paid phone calls (Criterion 6) and was available for use 24 hours a day (Criterion 7). These are the characteristics of the payphone that Petitioner requests be restored to the Stinson Lake Store location. The nearest existing

payphone is located in the center of Rumney, over four miles away, considerably more than 750 feet from the Stinson Lake Store (Criterion 8). Finally, the owners of the location, Mr. and Mrs. Lewis, testified that they would not expect any compensation from the location of the PIP on their property (Criterion 9). In fact, Mr. and Mrs. Lewis expressly authorized the use of their property as a PIP location, consistent with the requirements of NH RSA 374:22-q, II.

Staff recommended that the Commission seek a payphone provider for this location by issuing a Request for Proposal (RFP). Staff also recommended that the PIP location have signage and proper lighting so that it could be located by the public. In addition, Staff recommended that the PIP be installed after July when funding becomes available. In the alternative, Staff notes that the Commission could order retroactive payment to the selected provider from the fund created under RSA 374:22-q.

### **III. COMMISSION ANALYSIS**

We have reviewed Staff's recommendation for approval of the Stinson Lake Store as a location for a PIP. All nine of the criteria established in *Re Public Interest Payphones*, 86 NH PUC 331, appear to have been met. There is no payphone alternative in an area that clearly has a need, due to seasonal visitors and poor cellular coverage. We therefore direct Staff to develop a draft RFP for selection of a PIP provider for the Stinson Lake Store. The RFP should include a requirement that the provider supply appropriate signage for the PIP site and work with Mr. and Mrs. Lewis to assure that the location is appropriately lighted so that the general public is aware of the payphone's availability.

Because this payphone qualifies as a PIP, it will be funded through RSA 374:22-q, I, such funds being available as of July 1, 2005. It is our expectation that a PIP provider will be selected and a payphone installed at the Stinson Lake Store by July 1, 2005.

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

**ORDERED**, that the Stinson Lake Store payphone location qualifies as a Public Interest Payphone; and it is

**FURTHER ORDERED**, that Staff shall develop a draft Request for Proposal to procure a payphone provider for the Stinson Lake Store location.

By order of the Public Utilities Commission of New Hampshire this twenty-fifth day of February, 2005.

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Thomas B. Getz  
Chairman

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Graham J. Morrison  
Commissioner

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Michael D. Harrington  
Commissioner

Attested by:

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Lori A. Normand  
Assistant Secretary