

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
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TDD Access: Relay NH
1-800-735-2964

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November 4, 2008

Scott F. Eaton, Director
Administrative Rules Division
Office of Legislative Services
State House Annex, Room 219
25 Capitol Street
Concord, New Hampshire 03301

Re: Puc 400 – Rules for Telecommunications
PUC Docket: DRM 08-126

Dear Mr. Eaton:

Enclosed please find documents to be filed with your office regarding the above-referenced docket:

- 1) Appendix II-C, Rulemaking Notice Form;
- 2) Fiscal Impact Statement – FIS 08:240 (2 copies);
- 3) PUC 402.49 and 431.01 - Initial Proposal (2 copies).
- 4) Cross Reference Table of Applicable Statutes (2 copies);

Please include the Rulemaking Notice Form in the next available Rulemaking Register.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Getz", followed by a large, stylized flourish or initial.

Thomas B. Getz
Chairman

Enclosures

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

Puc 402.49 and Puc 431.01

<p>1. Agency Name & Address:</p> <p>New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, New Hampshire 03301-2429</p>	<p>2. RSA Authority: <u>RSA 365:8, VI, VII & XII; RSA 374:3; 374:22-g</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Rules for Telecommunications**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:
Puc 402.49 is being amended to expand the definition of “Significant Service Area” in order to include signaling systems or tandem failures having a statewide impact which will provide clarity to the rule and its sub-sections.

Puc 431.01 details the PUC registration requirements for all Competitive Local Exchange Carriers (CLECs) operating within the State. It lists the forms which need to be completed and the process for obtaining a CLEC authorization number from the PUC in order to provide local exchange services in NH. The Amendment to the rule is requested in order to remove the word “non-exempt” from 431.01(d) as a result of the passing of SB 386, the distinction between certain telephone utilities with more than 25,000 access lines (non-exempt) and those with fewer than 25,000 access lines (exempt) was deleted and RSA 374:22-f was repealed.

6. (b) Brief description of the groups affected: **The groups affected by this rule are the Competitive Local Exchange Carriers (CLECs) and Independent Local Exchange Carriers (ILECs) which provide local telephone exchange services in NH.**

APPENDIX II-C (Continued)

RULEMAKING NOTICE FORM - Page 2

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement: **RSA 365:8, VII & XII; RSA 374:3; RSA 374:4; RSA 374:15; RSA 374:22-g; RSA 378:17-b; RSA 374:22, I, 24, & 25 IV; RSA 378:45**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	F. Anne Ross	Title:	General Counsel
Address:	New Hampshire Public Utilities Commission 21 South Fruit St, Suite 10 Concord, New Hampshire 03301-2429	Phone #:	(603) 271-2431
		Fax#:	(603) 271-3878
		E-mail:	f.anne.ross@puc.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **December 18, 2008**

Fax

E-mail

Other format (specify):
Comments can be submitted in
writing or by email to puc.nh.gov

9. Public hearing scheduled for:

Date and Time: **December 16, 2008**

Place: **NH PUC, 21 South Fruit Street, Suite 10, Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 08:240, dated November 4, 2008

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not apply to any political subdivision and therefore do not violate Part I, Article 28-a.**

LBAO
FIS 08:240
11/04/08

Fiscal Impact Statement for Public Utilities Commission rules governing Rules for Telecommunications. [Puc 402.49 and Puc 431.01]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no cost associated with the proposed rules or existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate; no impact on state funds.

3. Cost and benefits of the proposed rule(s):

There are no costs or benefits attributable to the proposed rules.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

CHAPTER Puc 400 RULES FOR TELECOMMUNICATIONS

PART Puc 402 DEFINITIONS

Readopt with Amendment Puc 402.49, effective 5-10-05 (Document # 8348) to read as follows:

Puc 402.49 "Significant service outage" means outages in New Hampshire that affect:

- (a) An entire exchange;
- (b) All customers in a similar manner, such as interconnection failures;
- (c) 250 or more access lines and last more than 30 minutes;
- (d) 5000 or more access lines; or
- (e) Signaling system or tandem failures having a statewide impact; or
- (e) In the case of a CLEC, the majority of customers in a particular area.

PART Puc 431 CLEC REGULATORY REQUIREMENTS

Readopt with Amendment Puc 431.01, effective 5-10-05 (Document # 8348) to read as follows:

Puc 431.01 Registration.

(a) No person or entity shall install or offer local exchange service in New Hampshire unless and until that person or entity is registered as a CLEC.

(b) Before commencing operations as a CLEC in New Hampshire the entity proposing to provide CLEC service shall register with the commission and receive its CLEC Authorization Number.

(c) To register with the commission a CLEC shall file:

(1) A completed Form CLEC-10 Application for Registration, described in Puc 449.07, which including the following attachments:

- a. A completed Form CLEC-1 Contact Information;
- b. Evidence of a surety bond pursuant to Puc 431.04 if applicable;
- c. A completed Form CLEC-11 Intent to Use Uniform Tariff, if the CLEC wishes to use the uniform tariff pursuant to Puc 431.05; and
- d. A rate schedule pursuant to Puc 431.06.

(d) Unless the commission denies an application for CLEC registration pursuant to Puc 431.02, it shall issue a CLEC authorization number which authorizes the applicant to provide competitive local exchange service in the territory of non-exempt ILECs.

(e) A CLEC authorized prior to the effective date of these rules shall use the commission's order number granting it authority to operate as a CLEC as its authorization number.

(f) Any authorization number obtained by a CLEC under this part shall be non-transferable.

APPENDIX

Puc 402.49	RSA 365:8, VII & XII; RSA 374:3
Puc 431.01	RSA 365:8, VII & XII; RSA 374:3; RSA 374:4; RSA 374:15; RSA 374:22-g; RSA 378:17-b; RSA 374:22, I, 24, & 25 IV; RSA 378:45