

## 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
- (ef) 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;~~

~~e. 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.~~

(c) To register with the commission:

(1) A CLEC shall file a completed form CLEC-10 Application for Registration, described in Puc 449.07, which shall include 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 421.05; and

d. A rate schedule pursuant to Puc 431.06.

(2) A CLEC may include with its application information relating to the criteria set forth in Puc 431.02(a).

(3) A CLEC filing a CLEC-10 Application for Registration shall serve a copy of such application on each ILEC providing service in the service territory for which registration is sought by providing a copy electronically and by mail to the person identified by the ILEC as its person responsible for regulatory matters on its most recent Form ILEC-1.

(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.

\* \* \*

Puc 431.02 ~~Denial of Registration~~ Consideration of Registration Application.

(a) Except as otherwise provided in 431.02(c), the commission shall grant the registration if it finds and determines that doing so will be consistent with the public good. In

determining the public good, the commission shall consider the interests of competition with other factors including, but not limited to:

- (1) Fairness;
- (2) Economic efficiency;
- (3) Universal service;
- (4) Carrier of last resort obligations;
- (5) The incumbent utility's opportunity to realize a reasonable return on its investment; and
- (6) The recovery from competitive providers of expenses incurred by the incumbent utility to benefit competitive providers, taking into account the proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such expenses.

(b) In determining the public good, the commission shall also:

- (1) Provide each ILEC that provides service in the territory for which registration is sought a period of fourteen (14) days following receipt of the copy of the CLEC-10 filing to comment on the criteria set forth in Puc 431.02(a);
- (2) Consider the comments of any ILEC submitted during such fourteen-day period; and
- (3) Determine whether to commence an adjudicative proceeding based on such ILEC comments.

(ac) The commission shall deny an application for registration if it determines that the applicant or its general partners, corporate officers, director of the company, limited liability company managers or officers:

- (1) Have committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 431.19;
- (2) Have, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;
- (3) Knowingly made a material false statement of fact in the application;
- (4) Demonstrated on its application that such flagrant or repeated violations of the requirements to operate as a utility or competitive carrier in other state(s) that the commission determines that it is not in the public good to allow registration; and

(b~~d~~) In determining whether to deny an application for registration, the commission shall consider whether the crime or act referred to in (a~~c~~) above is substantially related to the qualifications, functions or duties required to provide CLEC services.

(e~~e~~) In the event that the commission denies an application for registration, the applicant may, within 30 days, file a request for consideration.