

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 23-060

T-MOBILE USA, INC.

Petition for Termination of Captioned Telephone Service

Order *Nisi* Approving Petition to Terminate

O R D E R N O. 26,880

August 31, 2023

In this order, the Commission approves on a *nisi* basis T-Mobile USA, Inc.'s petition to terminate its Captioned Telephone Service in New Hampshire, as of September 30, 2023.

I. BACKGROUND AND PROCEDURAL HISTORY

On June 8, 2023, T-Mobile USA, Inc. (T-Mobile) filed a petition for Commission approval to discontinue T-Mobile's Captioned Telephone Service beginning on September 30, 2023 (T-Mobile Petition). The T-Mobile Petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-060.html>.

T-Mobile provides Captioned Telephone Service to New Hampshire telephone customers under the auspices of Commission Order Nos. 20,236 (September 10, 1991) (1991 Order), and 24,492 (July 21, 2005) (2005 Order). Captioned Telephone Service, and its companion/predecessor technology, Telecommunications Relay Service, provide enhanced telephonic call access to customers with hearing or speech impairments. In its 1991 Order, the Commission indicated that the federal Americans with Disabilities Act of 1990 (ADA) required all telephone utilities in New Hampshire to provide Telecommunications Relay Service. The Commission awarded the 1991

franchise for Telecommunications Relay Service, to be provided to all New Hampshire telephone utilities, to T-Mobile's predecessor company, Sprint Communications Company (Sprint), and likewise granted Sprint's request to begin offering Captioned Telephone Service as a companion technology to its Telecommunications Relay Service in its 2005 Order.

T-Mobile states in its Petition that the number of customers who use analog Captioned Telephone Service has been "steadily decreasing," and that "there are multiple options available to customers other than analog [Captioned Telephone] service." T-Mobile asserts that Internet-based Captioned Telephone Service is widely available from other providers and can serve as a viable substitute for T-Mobile's analog Captioned Telephone Service product. *See* T-Mobile Petition at 1. T-Mobile further states that Captioned Telephone Service is not currently required for Federal Communications Commission (FCC) state program certification; T-Mobile will continue to provide Telecommunications Relay Service and Relay Conference Captioning service to telephone customers in New Hampshire; and, if the Commission were to so order, T-Mobile could arrange for the provision of analog Captioned Telephone Service by Hamilton Telephone, another analog Captioned Telephone Service provider. *Id.* at 2.

On June 23, 2023, in response to T-Mobile's petition, the Commission issued a procedural order requesting that the New Hampshire Department of Energy (DOE) provide a legal opinion as to whether the Commission is required to review and approve T-Mobile's petition to terminate Captioned Telephone Service ". . . in light of the DOE's evident concurrent jurisdiction over the [Telecommunications Relay Service] program in New Hampshire under RSA 374:22-p and allied statutes." In addition, the June 23rd procedural order requested that, "if the DOE concludes that the Commission is required to act on T-Mobile's petition, the DOE's filing should include

its initial statement of position regarding the petition,” with responses made by July 7, 2023.

On July 7, 2023, the DOE filed its response to the June 23rd procedural order, stating that, in the DOE’s opinion, the DOE was not granted decisional authority over Telecommunications Relay Service or Captioned Telephone Service, and that these services were established by the 1991 Order and 2005 Order, not by statute.

Furthermore, the DOE did indicate that the Commission has jurisdiction to address the question of T-Mobile’s discontinuance of Captioned Telephone Service, without indication of the DOE’s position on the question of discontinuance.

On July 12, 2023, T-Mobile filed a response to the DOE’s July 7 filing, offering further technical detail regarding the alternative options for accessibility other than the analog Captioned Telephone Service product, reiterating that Captioned Telephone Service is not required by the FCC in order to maintain state accessibility program certification, and stating that only eleven users of analog Captioned Telephone Service remain in New Hampshire. No other filings or comments have been filed in this docket during the pendency of the T-Mobile Petition.

II. COMMISSION ANALYSIS

In reviewing the T-Mobile Petition, the Commission has two issues to consider: (1) whether T-Mobile’s requested termination of its Captioned Telephone Service is appropriate under the standards of the ADA, the 1991 Order, and the 2005 Order, insofar as ongoing fair access to telephonic services to hearing and/or speech-impaired customers in New Hampshire will remain intact after such discontinuation; and (2) in relation to the above question, whether the hearing and/or speech-impaired users of telephonic services in New Hampshire will have reasonable and adequate alternative accommodative services available after such discontinuation.

Having reviewed the T-Mobile Petition, and the other filings made in this docket, including the DOE's July 7, 2023 filing, we find that approval of the T-Mobile Petition would be appropriate. We note that the number of T-Mobile analog Captioned Telephone Service has declined to eleven users, as represented by T-Mobile. Alternative accessibility options will remain available for these users, including T-Mobile-provided Telecommunications Relay Service and Relay Conference Captioning Service, and Internet-based Captioned Telephone Service, through third-party providers (listed on the FCC's website here: <https://www.fcc.gov/ipcts-providers>). The availability of alternative accessibility and accommodation options to the affected customers therefore ensures that the standards of the ADA, the 1991 Order, and the 2005 Order will continue to be met following the termination of analog Captioned Telephone Service by T-Mobile. The Commission therefore approves the T-Mobile Petition on a *nisi* basis and requires T-Mobile to provide written individual notice of this Order to its eleven affected customers, in order to provide them with additional notice of the upcoming termination of analog Captioned Telephone Service as of September 30, 2023.

Based upon the foregoing, it is hereby

ORDERED NISI, that subject to the effective date below, T-Mobile USA, Inc. proposed termination of analog Captioned Telephone Service in New Hampshire, as delineated in the T-Mobile Petition, is **APPROVED**; and it is


FURTHER ORDERED, that T-Mobile USA, Inc. shall inform each of its eleven effected analog Captioned Telephone Service customers of this order through written notice, such notice to be made no later than September 5, 2023, and to be documented by affidavit filed with the Commission on or before September 11, 2023; and it is

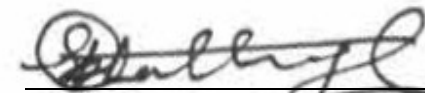
FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 15, 2023, for the Commission's consideration; and it is

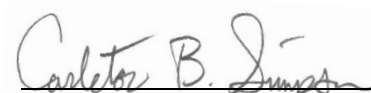
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 22, 2023; and it is

FURTHER ORDERED, that this order shall be effective September 29, 2023, unless T-Mobile fails to satisfy the publication obligation as set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

By order of the Public Utilities Commission of New Hampshire this thirty-first day of August, 2023.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-060

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Email Addresses

ClerksOffice@puc.nh.gov
dbogan@daypitney.com
andrew.brenneman@t-mobile.com
Energy-Litigation@energy.nh.gov
paul.b.dexter@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
michelle.lama@t-mobile.com