

THE STATE OF NEW HAMPSHIRE

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October 27, 2008

Mr. Michael L. Buckley
Office of Legislative Budget Assistant
Room 102 State House
Concord, New Hampshire 03301

Re: REQUEST FOR A FISCAL IMPACT STATEMENT
Readoption with Amendment - Puc 402.49 and Puc 431.01 – Rules for Telecommunications

Dear Mr. Buckley:

Attached you will find the Request for a Fiscal Impact Statement for Chapter Puc 400, Rules for Telecommunications, Parts Puc 402.49 and Puc 431.01. A copy of the Commission-approved Readoption with Amendment 'Initial Proposal' is attached for your review.

When you have completed your Fiscal Impact Statement, please fax it to the Commission at 603-271-4033. If you have any questions or comments, please contact me.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Ducharme".

Jennifer Ducharme
Legal Assistant

Enclosures

APPENDIX II-B

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
REQUEST FOR FISCAL IMPACT STATEMENT (FIS)

FIS Number _____ Rule Number Puc 402.49 and Puc 431.01

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

6. Contact Person:

Name:	Jennifer Ducharme	Title:	Legal Assistant
Address:	21 South Fruit Street, Suite 10 Concord, NH 03301	Phone #:	603-271-6044
		Fax #:	603-271-4033

Remember:

- (a) A copy of the proposed rule or an annotated copy of the amended rule must accompany this form. The annotated copy shall use [brackets] to indicate deleted material, and underlining for added material, or any other annotation style allowed in Section 5.4 in Chapter 4 of the Drafting and Procedure Manual for Administrative Rules.
- (b) If calculations are required in the preparation of this request, attach a worksheet showing the methodology.
- (c) This form may be replicated to expedite preparation.
- (d) A transmittal memo shall accompany a request for a fiscal impact statement, noting the number of requests being sent and short titles.
- (e) Please allow 10 working days from day of receipt for the Office of Legislative Budget Assistant to complete the fiscal impact statement. Additional information about this form is in Section 2.3 in Chapter 3 of the Drafting and Procedure Manual for Administrative Rules.

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(f) Please provide the following information and attach additional sheets if necessary:

- (1) Summarize the rule. **Puc 402.49 provides the definition of "Significant Service Area" which is being amended to include signaling systems or tandem failures having a statewide impact, which was not previously included in the definition.**

Puc 431.01 details the PUC registration requirements for all Competitive Local Exchange Carriers (CLECs) within the State. It lists the forms which need to be completed and the process for obtaining a CLEC authorization number from the PUC.

- (2) Is the cost associated with this rule mandated by the rule or by state statute? If the cost is mandated by statute, then the rule itself may not have a cost or benefit associated with it. Please state either the statute or chapter law that is instigating this rule.

Not Applicable. There are no costs associated with this rule.

- (3) Compare the cost of the proposed rule with the cost of the existing rule, if there is an existing rule.

Not Applicable. There are no costs associated with this rule or the existing rule.

- (4) Describe the costs and benefits to the state general fund which would result from this rule.

Not Applicable. There are no costs and no benefits to the state general fund as a result of this rule.

- (5) Explain and cite the federal mandate for the proposed rule, if there is such a mandate. How would the mandate affect state funds?

Not Applicable. There is no federal mandate and no costs associated with this rule.

- (6) Describe the cost and benefits to any state special fund which would result.

Not Applicable. There are no costs and no benefits to the state special fund as a result of this rule.

- (7) Describe the costs and benefits to the political subdivisions of the state.

Not Applicable. There are no costs and no benefits to political subdivisions within the state as a result of this rule.

- (8) Describe the costs and benefits to the citizens of the state.

There are no costs to the citizens of the state but citizens of New Hampshire will continue to benefit from a competitive telecommunications market which offers choice in providers and the benefit of knowing that all CLECs are regulated and registered within the State.

- (9) Describe the costs and benefits to any independently owned business, including a description of the specific reporting and recordkeeping requirements upon those employing fewer than 10 employees.

Not Applicable.

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
- (f) 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