

THE STATE OF NEW HAMPSHIRE

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April 15, 2009

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

Re: Notice No. 2008-219
Puc 402.49 and 431.01, Rules for Telecommunications
Commission Docket No. 08-126
Final Proposal Conditional Approval Request

Dear Mr. Eaton:

This letter is to advise you that the Commission intends to ask JLCAR for a conditional approval of this final proposal with the condition that Puc 431.01 not be readopted with amendment as originally requested in the final proposal, but rather remain as it is now. The Commission is withdrawing this proposed readoption with amendment due to questions arising concerning whether the proposed form of Puc 431.01 is consistent with RSA 374:22-g.

Please advise JLCAR that the Commission will make this request at the next scheduled JLCAR hearing on the final proposal on April 17, 2009. We request that the final proposal concerning Puc 402.49 be approved and that no action be taken on Puc 431.01 at this time due to the withdrawal of the amendment.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to be "T. Getz", written over a horizontal line.

A handwritten mark or signature in dark ink, consisting of a large loop followed by a horizontal line.

Thomas B. Getz
Chairman

Enclosures

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
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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 HECs;
 - (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.

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