

THE STATE OF NEW HAMPSHIRE

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June 24, 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: Puc 402.49 – Rules for Telecommunications
DRM 08-126
Doc # 9483**

Dear Mr. Eaton:

Enclosed please find the edited copy of the Puc 402.49 rules which we have proofread and are being returned to you. There were no edits made to these rules.

We will await the camera ready version to be sent by your office.

Thank you.

Sincerely,

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

Jennifer Ducharme
Legal Assistant

Enclosure

STATE OF NEW HAMPSHIRE



DIRECTOR
CAROL J. HOLAHAN

OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
107 NORTH MAIN STREET, ROOM 109
CONCORD, NEW HAMPSHIRE 03301-4951

Date First Proofing Mailed 6-23-09

Doc. # 9483
Rule # Proc 402
Eff. Date 6-19-09

INSTRUCTIONS FOR PROOFREADING

Please find enclosed an edited copy of rules which your agency filed with our office in accordance with RSA 541-A. Please proofread this edited copy, as required by Part 2 of Chapter 5 of the NH Drafting and Procedure Manual for Administrative Rules (Manual). You should also check our editing carefully to make certain any editorial changes do not change the substance of your rule. Editorial changes have been limited to those designated in Section 2.2 of Chapter 5 of the Manual.

Please use the original rules to proof against, so that if we left out any material it will be quickly noticed. Check for typing errors and spelling errors. Use a red pen or pencil and underline the error as well as put a red check mark in the left margin to indicate what line the errors appear in.

You should note that we do not capitalize the names of New Hampshire agencies (such as boards, departments, commission) or titles (such as commissioner, director, bureau chief), because they are not capitalized in the law. If these items are not capitalized in the enclosed text, you should not mark them as errors.

Please return the enclosed copy promptly so that you will be able to meet the deadline in RSA 541-A:15, 1-a. You must certify the final camera-ready version (which we will send you) within 120 days of receiving this first edited copy for proofreading.

The 120-day deadline for filing a certified camera-ready version of these rules is October 1 09
(THIS IS A REASONABLE RETURN DATE ALLOWING FOR MESSENGER MAIL)

Thank you for your prompt attention to this matter. Please return the proofread copies of the enclosed rules to Division of Administrative Rules, 25 Capitol Street, Room 219, State House Annex. Please address all questions to Patty or Cheryl at 271-3680.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Section Puc 402.46 Reportable Accident
- Section Puc 402.47 Secretary of State Certificate of Authority
- Section Puc 402.48 Significant Accident
- Section Puc 402.49 Significant Service Outage
- Section Puc 402.50 Slamming
- Section Puc 402.51 Subscriber
- Section Puc 402.52 Tariff
- Section Puc 402.53 Telecommunications Act of 1996 (Tact)
- Section Puc 402.54 Telecommunications Relay Service (TRS)
- Section Puc 402.55 Third-Party Call
- Section Puc 402.56 Toll Call
- Section Puc 402.57 Transfer of Customer Base
- Section Puc 402.58 Unbundle
- Section Puc 402.59 Uniform Tariff
- Section Puc 402.60 Utility
- Section Puc 402.61 Voice Service

PART Puc 403 RESERVED

PART Puc 404 RESERVED

PART Puc 405 PAYPHONE SERVICE

- Section Puc 405.01 Purpose
- Section Puc 405.02 Application of Rules
- Section Puc 405.03 Definitions
- Section Puc 405.04 Requirements for Registration
- Section Puc 405.05 Assessment
- Section Puc 405.06 Notification of Change of Status
- Section Puc 405.07 Violation of Registration to Operate
- Section Puc 405.08 Payphone Calling Services
- Section Puc 405.09 Notices and Labeling
- Section Puc 405.10 Directories and Directory Assistance
- Section Puc 405.11 Equipment
- Section Puc 405.12 Commission Inspections
- Section Puc 405.13 Required Reports
- Section Puc 405.14 Form PSP-2 Assessment Report
- Section Puc 405.15 Form PSP-7 Payphone Location Report
- Section Puc 405.16 Form PSP-10 Application for Registration

PART Puc 406 PUBLIC INTEREST PAYPHONES

- Section Puc 406.01 Purpose
- Section Puc 406.02 Application of Rules
- Section Puc 406.03 Definitions
- Section Puc 406.04 PIP Designation Requirements
- Section Puc 406.05 Designation Process
- Section Puc 406.06 PIP Compensation
- Section Puc 406.07 Process for Removal of PIP Designation

PART Puc 407 NON-UTILITY PROVIDERS OF TELEPHONE SERVICES: SHARED TENANT SERVICES

- Section Puc 407.01 Purpose
- Section Puc 407.02 Application of Rules

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Puc 402.47 “Secretary of state certificate of authority” means the Certificate of Legal Existence, Certificate of Authority, or other certification issued by the New Hampshire secretary of state which authorizes an entity to transact business in the state.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 402.48 “Significant accident” means a reportable accident in which:

- (a) A fatality has occurred;
- (b) Any person has received an injury which requires in-patient hospitalization, to the extent known by the utility;
- (c) Any person has received an injury which incapacitates that person from active work for a total of six days or more during the 10 days immediately following the accident, to the extent known by the utility;
- (d) Property damage over \$25,000 has occurred, to the extent known by the utility;
- (e) An electrical contact has occurred; or
- (f) Damage to the utility’s facilities interrupts service to all of the utility’s customers in an entire telephone exchange for a period of 15 minutes or longer.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

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;
- (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.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400); ss by #9483, eff 6-19-09

Puc 402.50 “Slamming” means any practice that changes a subscriber’s telecommunications carrier or provider without the subscriber’s knowledge or consent, pursuant to RSA 374:28-a.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

Puc 402.51 “Subscriber” means the customer or its designee to whom the telecommunications services are billed.

Source. #8348, eff 5-10-05 (See Revision Note at chapter heading for Puc 400)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Appendix

Puc 401.01 – Puc 401.02	RSA 365:8, 11, VII & XII; RSA 374:3
Puc 402.01 – Puc 402.08	RSA 365:8, VII & XII; RSA 374:3
Puc 402.09	RSA 365:8, VII & XII; RSA 374:3; RSA 362:1; RSA 378:44
Puc 402.10 – Puc 402.11	RSA 365:8, VII & XII; RSA 374:3
Puc 402.12	RSA 365:8, VII & XII; RSA 374:3; RSA 378:44, III
Puc 402.13 – Puc 402.25	RSA 365:8, VII & XII; RSA 374:3
Puc 402.26	RSA 365:8, VII & XII; RSA 374:3; RSA 378:33, VII
Puc 402.27 – Puc 402.47	RSA 365:8, VII & XII; RSA 374:3
Puc 402.48	RSA 365:8, VII & XII; RSA 374:3; RSA 374:28-a, I
Puc 402.49 – Puc 402.50	RSA 365:8, VII & XII; RSA 374:3
Puc 402.51	RSA 365:8, VII & XII; RSA 374:3; RSA 362-E:1, III
Puc 402.52 – Puc 402.55	RSA 365:8, VII & XII; RSA 374:3
Puc 402.56	RSA 365:8, VII & XII; RSA 374:3; RSA 362:2, I
Puc 405.01 – Puc 405.04	RSA 365:8, VII & XII; RSA 374:3
Puc 405.05	RSA 365:8, VII & XII; RSA 374:3; RSA 363-A:2 & 4
Puc 405.06	RSA 365:8, VII & XII; RSA 374:3, 4 & 15; RSA 378:1
Puc 405.07	RSA 365:8, VII & XII; RSA 374:3; RSA 365
Puc 405.08 – Puc 405.11	RSA 365:8, VII & XII; RSA 374:3
Puc 405.12	RSA 365:6, 7 & 8, VII & XII; RSA 374:3 & 7; RSA 370:4
Puc 405.13	RSA 365:8, VII, XI & XII; RSA 374:3; :4 & 5; RSA 378:1
Puc 405.14	RSA 365:8, VII & XII; RSA 374:3
Puc 405.15	RSA 365:8, VII & XII; RSA 374:3; RSA 378:1
Puc 405.16	RSA 365:8, VII & XII; RSA 374:3
Puc 406.01 – Puc 406.07	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-g
Puc 407.01 – Puc 407.03	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c
Puc 407.04	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c ; RSA 378:45
Puc 407.05	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c
Puc 407.06	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 374:28-a; RSA 378:45
Puc 407.07 – Puc 407.11	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c
Puc 407.12	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 378:3
Puc 407.13	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c
Puc 407.14	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 378:46 & 47
Puc 407.15 – Puc 407.20	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c
Puc 407.21	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 365
Puc 407.22	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 374:4 & 15; RSA 378:1
Puc 407.23	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 374:30
Puc 407.24	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c; RSA 374:4
Puc 407.25	RSA 365:8, VII & XII; RSA 374:3; RSA 374:22-k-n; RSA 378:17-c;