

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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May 1, 2009

Scott F. Eaton, Esq., Director
Administrative Rules Division
Office of Legislative Services
25 Capitol Street Room 219
Concord NH 03301-6312

Re: Notice No. 2008-219
Puc 402.49, Rules for Telecommunications
Commission Docket No. DRM 08-126
Conditional Approval Response

Dear Mr. Eaton:

At its meeting on April 17, 2009, the Joint legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13,V(a), to conditionally approve Final Proposal 2008-219 of the Public Utilities Commission (Commission) relative to N.H. Code Admin. Rules Puc 402.49, Rules for Telecommunications.

On May 1, 2009, the Commission voted to approve a Conditional Approval Response which is represented by the text attached to this letter. There were no staff comments or edits to Puc 402.49 and the change requested to the rule was previously submitted in the final proposal filed with the Administrative Rules Division on March 5, 2009. The Commission requests final approval of the Conditional Approval Response so that the Rules may be adopted as soon as possible.

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

Thomas B. Getz
Chairman

Enclosure

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
- (e) 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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