

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DRM 08-126**

**ORDER OF NOTICE**

On October 24, 2008, the Commission voted pursuant to RSA 541-A to initiate a Readoption with Amendment rulemaking for N.H. Code Admin. Rules Puc 400, specifically Puc 402.49, Definition of “Significant Service Outage” and Puc 431.01, CLEC Regulatory Requirements.

Puc 402.49 is being amended to expand the definition of “Significant Service Outage” in order to include ‘signaling systems or tandem failures having a statewide impact’. This addition will provide clarity to the rule and its sub-sections. Puc 431.01 details the Commission’s registration requirements for all Competitive Local Exchange Carriers (CLECs) operating within the State. It describes the forms which need to be completed and the process for obtaining a CLEC authorization number from the Commission in order to provide local exchange services within New Hampshire. The Amendment to the rule is requested in order to remove the word “non-exempt” from 431.01(d) as a result of the passing of SB 386 which repealed RSA 374:22-f and revised RSA 374:22-g to specify “all telephone franchise areas served by a telephone utility that provides local exchange service, subject to the jurisdiction of the commission, shall be non exclusive.”

The proposed rules will replace the current Parts Puc 402.49 and Puc 431.01. The current Puc 400, Rules for Telecommunications, are not due to expire until May 10, 2013. A rulemaking notice form (Notice) required by RSA 541-A:6 was filed with the Office of Legislative Services

on November 4, 2008. The Notice sets forth a date for the public hearing to be held at the Commission and the deadline for submission of written comments. This notice is appended hereto.

A copy of the Rulemaking Notice will be sent by U.S. Mail to all regulated utilities and to those parties previously requesting notice of rulemakings pertaining to the Rules for Telecommunications. Pursuant to RSA 541-A:6, III, notice may also be provided by public notice advertisement in a publication of daily statewide circulation. The readoption with amendment may be viewed on the Commission website at [www.puc.nh.gov](http://www.puc.nh.gov), or copies may be obtained from the Commission as set forth in the Notice.

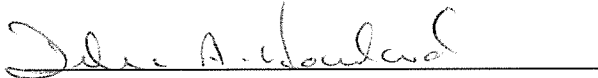
**Based upon the foregoing, it is hereby**

**ORDERED**, that a Public Hearing, pursuant to 541-A:11, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire on December 16, 2008 at 10:00 a.m., and that the deadline for submission of materials in writing or via e-mail shall be December 18, 2008, as set forth in the Notice; and it is

**FURTHER ORDERED**, that, immediately following the Public Hearing, the Staff of the Commission and any interested parties hold a Technical Session to review the rules, if necessary; and it is

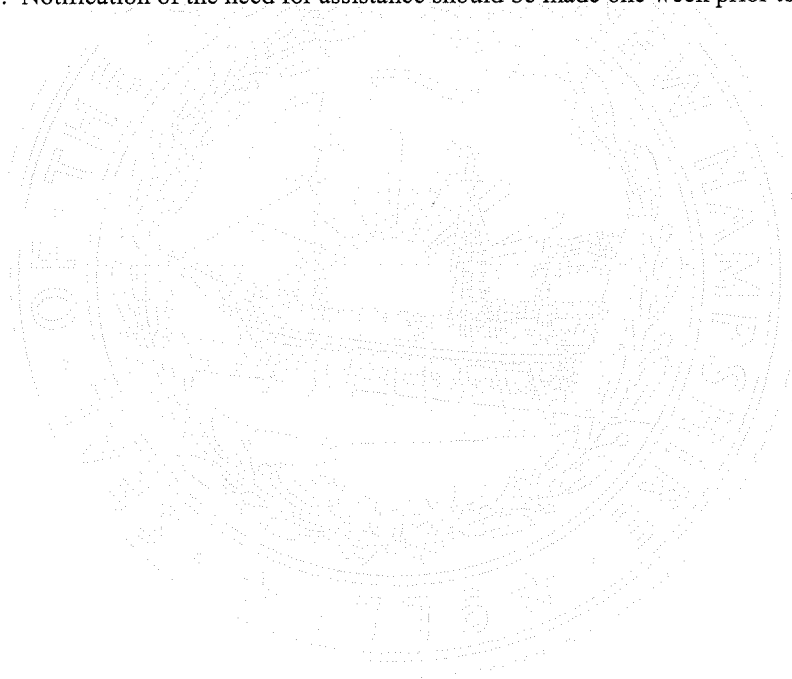
**FURTHER ORDERED**, that pursuant to RSA 541-A:6,III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than November 14, 2008, in a newspaper with a daily statewide circulation, publication to be documented by affidavit filed with the Commission on or before December 16, 2008.

By order of the Public Utilities Commission of New Hampshire this sixth day of  
November, 2008.



Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.



APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number \_\_\_\_\_

**Puc 402.49 and Puc 431.01**

<p>1. Agency Name &amp; Address:</p> <p><b>New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, New Hampshire 03301-2429</b></p>	<p>2. RSA Authority: <b>RSA 365:8, VI, VII &amp; XII; RSA 374:3; 374:22-g</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>  <b>X</b>  </u></p>
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5. Short Title: **Rules for Telecommunications**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

**Puc 402.49 is being amended to expand the definition of “Significant Service Area” in order to include signaling systems or tandem failures having a statewide impact which will provide clarity to the rule and its sub-sections.**

**Puc 431.01 details the PUC registration requirements for all Competitive Local Exchange Carriers (CLECs) operating within the State. It lists the forms which need to be completed and the process for obtaining a CLEC authorization number from the PUC in order to provide local exchange services in NH. The Amendment to the rule is requested in order to remove the word “non-exempt” from 431.01(d) as a result of the passing of SB 386, the distinction between certain telephone utilities with more than 25,000 access lines (non-exempt) and those with fewer than 25,000 access lines (exempt) was deleted and RSA 374:22-f was repealed.**

6. (b) Brief description of the groups affected: **The groups affected by this rule are the Competitive Local Exchange Carriers (CLECs) and Independent Local Exchange Carriers (ILECs) which provide local telephone exchange services in NH.**

**RULEMAKING NOTICE FORM - Page 2**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

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

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	<b>F. Anne Ross</b>	Title:	<b>General Counsel</b>
Address:	<b>New Hampshire Public Utilities Commission 21 South Fruit St, Suite 10 Concord, New Hampshire 03301-2429</b>	Phone #:	<b>(603) 271-2431</b>
		Fax#:	<b>(603) 271-3878</b>
		E-mail:	<b>f.anne.ross@puc.nh.gov</b>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **December 18, 2008**

<input checked="" type="checkbox"/> Fax (603) 271-3878	<input checked="" type="checkbox"/> E-mail <a href="mailto:f.anne.ross@puc.nh.gov">f.anne.ross@puc.nh.gov</a>	<input checked="" type="checkbox"/> Other format (specify): Comments can be submitted in writing or by email to puc.nh.gov
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9. Public hearing scheduled for:

Date and Time: **December 16, 2008 at 10:00 a.m.**

Place: **NH PUC, 21 South Fruit Street, Suite 10, Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 08:240, dated November 4, 2008

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not apply to any political subdivision and therefore do not violate Part I, Article 28-a.**

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Docket #: 08-126 Printed: November 06, 2008

**FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),**

**WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:**

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**PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY**

**DIRECTLY WITH THE FOLLOWING STAFF**

**RATHER THAN WITH THE EXECUTIVE DIRECTOR**

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BULK MATERIALS:

Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

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