

PART Puc 401 PURPOSE AND APPLICATION OF RULES

Puc 401.01 Purpose. The purpose of this chapter is to prescribe rules and to establish standard procedures, general business rules, and guidelines for telecommunications providers in order to enable providers to comply with relevant statutes and commission orders.

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

Puc 401.02 Application. The rules of this chapter shall apply to all regulated telecommunications providers except to the extent preempted by the Telecommunications Act of 1996. Except where expressly provided, the rules of this chapter shall not apply to Voice over Internet Protocol service, IP-enabled service, or the providers of such services.

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

PART Puc 402 DEFINITIONS

Puc 402.01 “Accident notification roster” means the list of commission staff members to be contacted about reportable or significant accidents which is available on the commission web site.

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

Puc 402.02 “Associated service” means, in addition to an existing telephone line, a separate existing telephone line provided by the same provider to the same customer at the same location for the same classification of service.

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

Puc 402.03 “Authorized payment agent” means an entity authorized by a carrier to accept payments from customers on behalf of that carrier.

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

Puc 402.04 “Authorized representative” means the person duly authorized by the telecommunications carrier or provider to affirm the accuracy and truth of reports or statements made on the carrier or provider’s behalf, including:

- (a) An officer or manager under whose direction the report or statement is prepared;
- (b) The proprietor, manager, superintendent, or other official in charge of operations; or
- (c) If under trust or receivership, by the receiver or other duly authorized person.

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

Puc 402.05 “Basic service” means

(a) Safe and reliable single-party, single line voice service;

(b) The ability to receive all noncollect calls, at telephone lines capable of receiving calls, without additional charge;

- (c) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;
- (d) The opportunity to presubscribe to interLATA toll carriers;
- (e) The opportunity to presubscribe to intraLATA toll carriers;
- (f) Dialing parity;
- (g) Number portability;
- (h) Enhanced 911, pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;
- (i) Access to statewide directory assistance;
- (j) Telecommunications relay service (TRS);
- (k) A published directory listing, at the customer's election;
- (l) A caller identification blocking option, on a per-call basis;
- (m) A caller identification line blocking option that is available to all customers without a recurring charge and is provided upon customer request without charge to customers who have elected nonpublished telephone numbers and is available without a nonrecurring charge to customers who certify that caller identification threatens their health or safety and is available without a nonrecurring charge when requested with installation of basic service;
- (n) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 area code calls;
- (o) The ability to report service problems to the customer's basic service provider on a 24-hour basis, 7 days a week; and
- (p) Automatic Number Identification (ANI) to other carriers which accurately identifies the telephone number of the calling party, the minimum telephone service, as described in Puc 412.01 and Puc 432.01, that the commission requires LECs to provide to voice customers including service attributes and standards mandated by federal and state statutes and rules.

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

~~Puc 402.06 "Bundled service" means a service where toll service and other optional services are combined with basic service and offered to residential customers for a single price.~~

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

Puc 402.07 "Central office" means the telecommunications carrier's facility which includes switching and transmission equipment used to establish connections between customer lines or between customer lines and trunks.

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

Puc 402.08 "Change of ownership" refers to the complete acquisition of a carrier by another entity wherein the carrier retains its separate corporate identity, without change in the carrier's name, customer relationships, terms or conditions of service.

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

Puc 402.09 “Commission” means the New Hampshire public utilities commission.

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

~~Puc 402.10 “Competitive intraLATA toll provider (CTP)” means any carrier authorized to provide intraLATA toll service, except for an ILEC that provides toll service exclusively to its local service customers in New Hampshire.~~

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

~~Puc 402.11 “Competitive local exchange carrier (CLEC)” means a telecommunications carrier, and its successors and assigns, authorized by the commission after July 23, 1995, the effective date of RSA 374:22 g, to provide telecommunications service for the public in a particular area which an ILEC was authorized to serve prior to July 23, 1995.~~

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

Puc 402.102 “Cramming” means the submission or inclusion of unauthorized, misleading or deceptive charges for products or services on a customer’s utility bill, pursuant to RSA 378:44-48, and does not include tariffed charges or charges required or otherwise allowed by law.

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

Puc 402.113 “Customer” means any person, firm, corporation, cooperative marketing association, utility, governmental unit, or subdivision of a municipality, or of the state or nation supplied with telephone service by any telephone utility.

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

Puc 402.124 “Dialing parity” means the capability for a customer to route a call over the network of the customer’s preselected LEC or CTP without having to dial an access code of extra digits.

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

Puc 402.135 “Due date” means the date no fewer than 25 calendar days from the bill date when the bill is sent electronically or via first class mail and 30 calendar days when the bill is sent via bulk mail.

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

Puc 402.14 “Excepted Local Exchange Carrier (ELEC)” means

(a) An incumbent local exchange carrier providing telephone services to 25,000 or more lines; or

(b) An incumbent local exchange carrier providing service to less than 25,000 lines that elects to be excepted, upon the filing with the commission of a written notice advising of said election; or

(c) Any provider of telecommunications services that is not an incumbent local exchange carrier.

Source.

Puc 402.1~~56~~ “End user” means any telecommunications services customer that is not a telecommunications carrier or telecommunications public utility except that a telecommunications carrier or public utility shall be deemed to be an "end user" when such carrier uses a telecommunications service for administrative purposes.~~is the business or residential customer who purchases telecommunications services for its own use and does not resell it to others.~~

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

Puc 402.1~~76~~ “Escalation list” means a list of individual employees of the utility, along with titles, areas of responsibility, email addresses and phone numbers, in ascending order of responsibility from the line manager to the utility’s officer.

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

Puc 402.1~~78~~ “Exchange” means an area, defined by the LEC, served by one or more central offices, within which the LEC furnishes telephone service at the local exchange rates and regulations applicable in that area as prescribed in the LEC’s tariff or rate sheet.

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

Puc 402.18 “Exempt ILEC” means an ILEC that is exempt pursuant to 47 U.S.C. §251(f).

Puc 402.19 “Extended area service (EAS)” means the local toll-free telephone calling area beyond the home exchange.

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

Puc 402.20 “Federal Communications Commission (FCC)” is the independent United States government agency established by the Communications Act of 1934.

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

~~Puc 402.21 “Grandfathered basic service” means multi-party basic service pursuant to Puc 402.05.~~

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

Puc 402.2~~12~~ “Home exchange” means the area served by the local central office.

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

Puc 402.2~~32~~ “Incumbent local exchange carrier (ILEC)” means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, the effective date of RSA 374:22-f and g, to provide basic service in the particular area for which it was authorized to provide service prior to July 23, 1995.

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

Puc 402.2~~43~~ “Interconnection” means the linking of two networks for the mutual exchange of traffic, excluding the transport and termination of traffic.

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

Puc 402.254 “Interexchange carrier” means a telecommunications carrier that provides long distance interstate or intrastate telephone service.

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

Puc 402.25 “IP-enabled service” means any service, capability, functionality, or application provided using Internet Protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet Protocol format or any successor format, regardless of technology; provided, however, that no service included within the definition of “Voice over Internet Protocol service” shall be included within this definition.

Puc 402.26 “Line identification database (LIDB)” means the database that contains the information necessary to perform billing validation.

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

Puc 402.27 “Local access transport area (LATA)” means a contiguous geographical area, the boundaries of which distinguish state regulated calling from FCC-regulated calling.

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

Puc 402.28 “Local exchange carrier (LEC)” means the company that provides local telephone exchange service, whether directly or indirectly, and renders the telephone bill to the customer.

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

Puc 402.29 “Local service area” means the exchange(s), as defined by the customer’s LEC, throughout which telephone calls may be placed by a ~~basic service~~ customer at local exchange rates, that is, without a toll charge.

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

Puc 402.30 “Loop” means a transmission path capable of transporting telecommunications signals between the network interface at a customer’s premises and a point in a central office.

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

Puc 402.31 “Network element” means a facility or equipment used in the provision of a telecommunications service, including features, functions and capabilities such as subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

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

Puc 402.32 “Nonbasic service” means any telecommunications service that is not basic service as described in Puc 402.05. Any combination of basic service along with any other service offered by the telecommunications service provider is nonbasic service.

Source.

Puc 402.332 “Non-directory listed” means telephone numbers or customers whose names or numbers are not printed in a telephone directory.

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

~~Puc 402.33 “Non-exempt ILEC” means an ILEC that is not exempt pursuant to 47 U.S.C. §251(f).~~

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

Puc 402.34 “Non-published” means telephone numbers or subscribers whose names or numbers are neither printed in a telephone directory nor available through directory assistance.

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

Puc 402.35 “Normal busy hour” means the hour during which a carrier carries the most calls on a typical business day.

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

Puc 402.36 “Number portability” or “porting” means the ability of users of telecommunications services to retain, at the same location, existing telephone numbers when switching from one telecommunications carrier to another.

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

Puc 402.37 “Number portability administration center (NPAC)” means the regional centers that synchronize the numbering databases and coordinate the porting process.

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

Puc 402.38 “NXX number” means the first 3 digits of a local telephone number which identify the local central office of the telephone customer.

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

Puc 402.39 “Outside plant” means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights of way.

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

Puc 402.40 “Operator services” means live or automated operator-assisted calling provided by a carrier.

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

Puc 402.41 “Payphone” means any telephone made available to the public on a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is activated by depositing coins, by calling collect, or by using a credit card.

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

~~Puc 402.42 “Payphone service provider (PSP)” means a person or entity that offers telephone service on a fee per call basis with payment due at the time of the call, and who has been issued a certificate of registration by the commission to provide payphone service.~~

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

Puc 402.4~~23~~²³ “Port trigger” means a software command in a switch that tells the switch to query the local number portability database before routing the call.

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

Puc 402.4~~34~~³⁴ “Rate schedule” means the initial collection of information along with any revisions filed by ~~a carrier that is not~~ an ILEC operating as an ELEC, which includes the most recent rate schedule cover sheet and all effective rate sheets.

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

Puc 402.4~~45~~⁴⁵ “Rate sheet” means the section of a ~~carrier’s~~ rate schedule which identifies each product, its price and effective date.

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

Puc 402.4~~56~~⁵⁶ “Reportable accident” means an accident in connection with the utility’s property, facilities or service which:

- (a) Involves telephone cable clearances;
- (b) Involves aircraft, trains or boats;
- (c) Results in closure of a state highway;
- (d) Is likely to be, or has been, reported on television;

(e) Is of a magnitude or severity which requires the utility to obtain external assistance from another utility or outside contractor such as in response to major storm damage; or

~~(f) Involves consequences of a magnitude or severity comparable to those described in (a) through (e) above.~~

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

Puc 402.4~~67~~⁶⁷ “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 402.4~~78~~⁷⁸ “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 402.489 "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;

~~(e) 250 or more access lines and last more than 30 minutes;~~

~~(c)~~ 5000 or more access lines;

~~(d)~~ Signaling system or tandem failures having a statewide impact; or

~~(e)~~ In the case of a ~~CECELEC~~, 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 402.4950 "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 402.5051 "Subscriber" means the ~~customer-end user~~ 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)

Puc 402.5152 "Tariff" means the schedule of rates, charges and terms and conditions under which a regulated and tariffed service is provided to customers, filed by an ILEC, and either approved by the commission or effective by operation of law.

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

Puc 402.532 "Telecommunications Act of 1996 (TAct)" means Public Law No. 104-104, 110 Stat.56 (1996) and applicable rules promulgated by the FCC pursuant thereto.

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

Puc 402.534 "Telecommunications relay service (TRS)" means a service that enables telephone communication between hearing people and people who are deaf, hard of hearing or speech impaired.

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

Puc 402.5~~45~~ “Third-party call” means a call charged to a number other than that of the originating or terminating party.

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

Puc 402.5~~56~~ “Toll call” means a call to any location outside the local service area.

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

Puc 402.5~~67~~ “Transfer of customer base” means the merger, acquisition, transfer, lease or other change in ownership of the customer base, franchise, works or system, or any part of such customer base, franchise, works or system, of a carrier, which involves a change in the carrier’s name, customer relationships, or terms and conditions of service.

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

Puc 402.5~~78~~ “Unbundle” means to disaggregate telecommunications services into network elements at any technically feasible point so that functions, features and capabilities can be purchased separately.

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

~~Puc 402.5⁹ “Uniform tariff” means a description of standard terms and conditions of telephone service, including carrier liability, which carriers may apply to their customers.~~

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

Puc 402.5~~86~~⁶⁰ “Utility” means any “public utility” owning, operating, or managing any plant or equipment, or any part of the same for the conveyance of telephone messages for the public, pursuant to RSA 362:2.

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

Puc 401.5⁹ "Voice over Internet Protocol ("VoIP") service" means any service that: (1) Enables real-time, 2-way voice communications that originate from or terminate in the user's location in Internet Protocol or any successor protocol; (2) Requires a broadband connection from the user's location; and (3) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

Source.

Puc 402.5~~96~~⁴ “Voice service” means a service which facilitates an end user’s participation in conversation with no perceived delay in the transmission of the voice message or the response to it.

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

PART Puc 403 - RESERVED

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

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

PART Puc 405 PAYPHONE SERVICE

Puc 405.01 Purpose. The purpose of this part is to establish ~~standard procedures for the registration of and ongoing~~ regulatory requirements for payphone service ~~providers (PSPs) provided by ILECs that are not operating as ELECs.~~

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

Puc 405.02 Application of Rules.

~~(a) The provisions of Puc 405 shall apply to all PSPs.~~

~~(b) In addition to (a) above, the following commission rules shall apply to all PSPs:~~

~~(1) Puc 102, relative to definitions of terms;~~

~~(2) Puc 200, procedural rules;~~

~~(3) Puc 402, relative to definitions of terms; and~~

~~(4) Puc 800, underground utility damage protection program.~~

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

Puc 405.023 Definitions.

(a) “Cashless payment” means the use of any medium or method other than cash, including, but not limited to, billing to another telephone number or the use of cards, credit, or debit transfers to purchase service.

(b) “Coin-activated payphone” means a payphone that requires the caller to deposit coins for calls other than those calls which are:

(1) Paid for using cashless payment;

(2) To 911 or TRS; or

(3) To toll free numbers, such as 800 or 888 numbers.

(c) “Coinless payphone” means a payphone that will not accept coins and allows the caller to place calls using cashless payment for calls other than those listed in (b)(2) and (b)(3) above.

(d) “Payphone lessee” means any person or entity that enters into a contract with an ILEC a PSP and may also be the location provider.

(e) “Presubscribed carrier(s)” means the interexchange carrier(s) that are preselected to carry intraLATA or interLATA calls, or both, for the payphone at that location.

(f) “Semi-public payphone” means a payphone for which the payphone lessee is charged a recurring monthly rate for payphone service.

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

Puc 405.04 Requirements for Registration.

~~(a) No person or entity shall install or offer for service a payphone in New Hampshire unless and until that person or entity is registered as a PSP.~~

~~(b) An applicant registering to provide payphone service shall make application to the commission on Form PSP 10 Application for Registration, described in Puc 405.16.~~

~~(c) Upon receipt of a complete Form PSP 10 Application for Registration, the commission shall issue a PSP registration number, which authorizes the applicant to provide payphone service.~~

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

Puc 405.05 Assessment.

~~(a) A PSP shall be assessed pursuant to RSA 363-A:2, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.~~

~~(b) A PSP shall file Form PSP 2 Assessment Report, described in Puc 405.15, annually.~~

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

Puc 405.06 Notification of Change of Status.

~~(a) A PSP shall file an updated Form PSP 1 Contact Information, described in Puc 405.14, within thirty days of the change of any information contained in the "Contact Information" form.~~

~~(b) A PSP shall provide written notice to the commission prior to the company's exit from the market by one of the following:~~

- ~~(1) 10 days notice for 10 or fewer payphones;~~
- ~~(2) 30 days notice for 11 to 100 payphones; or~~
- ~~(3) 60 days notice for more than 100 payphones.~~

~~(c) In the event the PSP transfers its equipment or business to any other entity, such other entity shall complete the registration requirements pursuant to Puc 405.04 prior to providing payphone service.~~

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

Puc 405.07 Violation of Registration to Operate.

~~(a) If, after notice, an opportunity to be heard and specific findings of fact, the commission determines that good cause exists, it shall issue an order:~~

- ~~(1) Revoking, suspending or modifying the PSP's registration;~~
- ~~(2) Imposing fines or penalties pursuant to RSA 365:41;~~
- ~~(3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or~~
- ~~(4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above, as the commission shall reasonably require.~~

~~(b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a PSP:~~

- ~~(1) Repeated or flagrant violation of applicable commission rules or orders;~~
- ~~(2) Conducting business in an unfair or deceptive manner; or~~
- ~~(3) Actions resulting in revocation of its registration by the FCC pursuant to 47 C.F.R. 68.211.~~

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

Puc 405.038 Payphone Calling Services.

(a) All payphones shall provide:

(1) At no charge to the caller:

- a. Dial tone;
- b. Access to 911, emergency services;
- c. Access to 711, TRS;
- d. Access to 511, traffic information service;
- e. Access to 211, information and referral services; and
- f. Access to toll-free numbers;

(2) Except as provided in (b) below, at the option of the payphone lessee, the ability to receive incoming calls at no charge;

(3) Except as provided in (b) and (c) below, access to the toll network using dial 0 and dial 1 capability and 7-digit dialing; and

(4) Except as provided in (b) below, access to alternate interexchange carriers by one of the following:

- a. A local call; or
- b. A toll-free call; or
- c. A carrier access code.

(b) Payphones provided for inmates shall not be required to comply with (a), (2), (3) and (4) above.

(c) Coinless payphones shall not be required to provide dial 1 capability.

(d) Payphones may to be programmed to prohibit collect and third party calls being billed to the payphone number, except, at the option of the PSP/ILEC, in the case of semi-public payphones.

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

Puc 405.059 Notices and Labeling.

(a) All payphones shall be clearly marked to show:

(1) The rate and time increment for a local call;

- (2) The telephone number of the payphone;
- (3) The name of the owner;
- (4) A free telephone number to call for maintenance and repair;
- (5) Any restrictions in making or receiving calls, such as the fact that the payphone does not accept incoming calls;
- (6) The name(s) of the presubscribed carrier(s);
- (7) A toll-free telephone number to call for the pre-subscribed carrier's rate information;
- (8) Dialing instructions and charges, if any, for directory assistance;
- (9) The commission's telephone number;
- (10) Instructions to call the commission concerning a complaint; and
- (11) Any other information necessary to facilitate calls, refunds or repairs.

(b) In the event that an PSP-ILEC intends to remove a standalone payphone, it shall notify the commission in writing at least 60 days prior to its removal.

(c) In the event that an ILEC a PSP intends to remove a standalone payphone, it shall place a clear and conspicuous notice on the payphone for at least 30 days prior to its removal.

(d) The notice in (c) above shall include:

- (1) A statement that any person may file a petition with the commission to designate the payphone as a public interest payphone; and
- (2) The toll-free number for the commission's consumer affairs division and the commission's website address.

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

Puc 405.~~0640~~ Directories and Directory Assistance. An ILEC A PSP shall either:

- (a) Maintain a local telephone directory at the physical site of the payphone; or
- (b) Provide access to local directory assistance at no charge.

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

Puc 405.~~0744~~ Equipment.

(a) All payphone equipment shall comply with:

- (1) FCC rules regarding connection of terminal equipment to the telephone network, pursuant to 47 C.F.R. § 68, et seq.
- (2) The Americans With Disabilities Act, 42 U.S.C. § 12101, et seq.; and
- (3) Applicable Department of Justice regulations titled "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," set forth at 28 C.F.R. Part 36, including but not limited to sections pertaining to accessible routes, signage, space allowances

and reach ranges, and section 4.31 titled “Telephones.”

(b) All coin-activated payphones shall be equipped to return coins to the caller in the case of an incomplete call.

(c) All coin-activated payphones shall be equipped to accept nickels, dimes and quarters.

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

Puc 405.~~0812~~ Commission Inspections. An ILEC A-PSP shall allow and assist the commission to inspect the works and system of the PSP-ILEC and the manner in which the PSP-ILEC has conformed to all applicable statutes, rules and orders.

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

Puc 405.~~0913~~ Required Reports.

(a) An PSP-ILEC shall file Form PSP-7 Payphone Location Report, described in Puc 405.15,~~the following reports~~ with the commission on March 31 of each year:

~~(1) Form PSP-2 Assessment Report, described in Puc 405.14, covering the PSP’s most recent fiscal year.~~

~~(2) Form PSP-7 Payphone Location Report, described in Puc 405.15.~~

(b) An PSP-ILEC shall submit all required reports and forms to the commission by the following methods:

(1) Mail or other delivery to: New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429; or

(2) Electronic report filing as the commission shall provide on the commission website.

(c) An PSP-ILEC making an electronic filing pursuant to (c)(2) above shall comply with Puc 202.08 regarding filing requirements.

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

Puc 405.14 Form PSP-2 Assessment Report.

~~(a) The “Assessment Report,” required by Puc 405.05 and Puc 405.13, shall include:~~

~~(1) The PSP’s legal name;~~

~~(2) The trade name the PSP uses with its customers;~~

~~(3) The PSP’s FEIN and registration number;~~

~~(4) Contact information for the person responsible for the information on the form, to include:~~

~~a. The name and title;~~

~~b. The mailing address;~~

~~c. The telephone and fax numbers; and~~

~~d. Email address;~~

~~(5) The calendar year that is the subject of the report;~~

~~(6) The printed name and title of the signatory; and~~

~~(7) The total annual revenues from payphone services; and~~

~~(8) The total number of payphones which the PSP maintains in service as of the end of its fiscal year.~~

~~(b) The PSP shall include a sworn and notarized attestation that states that the assessment report has been properly prepared and represents fairly the results of the PSP's New Hampshire operations.~~

~~(c) The attestation pursuant to (h) above shall be signed and dated by the authorized representative of the PSP.~~

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

Puc 405.105 Form PSP-7 Payphone Location Report.

~~(a) The "Payphone Location Report", required by Puc 405.13, shall include:~~

~~(1) The PSP's legal name;~~

~~(2) The trade name the PSP uses with its customers;~~

~~(3) The PSP's complete mailing address;~~

~~(4) The PSP's telephone and fax numbers;~~

~~(5) The PSP's email address;~~

~~(6) The PSP's federal employer identification number (FEIN);~~

~~(7) The PSP's registration number;~~

~~(8) The printed name and title of the signatory; and~~

~~(9) The current date.~~

~~(b)~~ The "Payphone Location Report" shall include the following information for all of the ~~PSP's~~ ILEC's installed payphones:

(1) Telephone number;

(2) Name of location;

(3) Street address;

(4) City or town and zip code; and

(5) An indication of whether the phone accepts coins.

(c) The authorized representative of the PSP-ILEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 405.16 Form PSP-10 Application for Registration.

~~(a) The "Application for Registration," required by Puc 405.04, shall include:~~

- ~~(1) The business name, address, and phone number of the applicant;~~
- ~~(2) The operating name of the applicant, if different from the business name;~~
- ~~(3) The applicant's FEIN;~~

~~(4) Name, title, address and telephone number of each of the principal officers of the company;~~

~~(b) The authorized representative of the PSP shall:~~

- ~~(1) Sign and date the form;~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3; and~~
- ~~(3) Certify by signature that the applicant agrees to comply and shall operate in accordance with all relevant statutes, commission orders, rules and the provisions and requirements of Puc 405.~~

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

PART Puc 406 PUBLIC INTEREST PAYPHONES

Puc 406.01 Purpose. The purpose of this part is to establish standard procedures for the designation of public interest payphones and guidelines for the providers of public interest payphones (PIPs), in order to enable providers to comply with relevant statutes and commission orders.

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

Puc 406.02 Application of Rules.

- (a) The provisions of Puc 406 shall apply to all PIPs and to the providers of such payphones.
- (b) In addition to (a) above, the following commission rules shall apply to all PIP providers:
 - (1) Puc 402, relative to definitions; and
 - (2) Puc 405, relative to payphone service.

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

Puc 406.03 Definitions.

- (a) "Location provider" means the property owner on whose property a payphone is situated.

(b) "Public interest payphone (PIP)" means a payphone or payphone site which the commission has determined to be necessary in the interest of health, safety and welfare, where there would not otherwise be a payphone, in accordance with 47 U.S.C. section 276(b)(2).

(c) "Sent-paid" means paid by depositing coins in the payphone.

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

Puc 406.04 PIP Designation Requirements.

(a) A payphone shall be designated as a PIP when the commission finds that the payphone meets all of the criteria listed in (b) below, unless the commission grants a waiver of any criterion pursuant to (e) below.

(b) The criteria for designating a payphone as a PIP shall be:

- (1) The proposed PIP fulfills a public welfare, health or safety, policy objective;
- (2) The proposed PIP would not otherwise remain or be placed at its location by the operation of the competitive marketplace;
- (3) The proposed PIP is shown by commission staff investigation to:
 - a. Have an actual or projected monthly revenue paid to the PSP-ILEC of \$30 on an average annual basis, or
 - b. Have an actual or projected average usage of 3.5 calls per day, including 800, 900 and collect calls.
- (4) The proposed PIP is a single, stand-alone payphone and not one of a bank of payphones;
- (5) The proposed PIP is not a coinless payphone;
- (6) The proposed PIP accepts incoming, sent-paid phone calls;
- (7) The proposed PIP is physically accessible to the general public 24 hours per day, unless extraordinary circumstances exist;
- (8) The proposed PIP is located no less than 750 feet away from any other payphone, as measured along the route of ordinary pedestrian travel; and
- (9) The proposed PIP provides zero compensation to the location provider or payphone lessee, whether such compensation is related to its placement or its revenues.

(c) For the purposes of (b)(3) above, revenue shall include:

- (1) All coin and non-coin revenue for local, intraLATA, and interLATA calls; and
- (2) Commissions or per call compensations paid to the PSP-ILEC.

(d) For the purpose of (b)(8) above, any other payphone shall exclude a payphone located within a business establishment, unless that payphone is physically accessible to the public during the regular operating hours of that business establishment.

(e) Any person seeking waiver of any of the criteria listed in (b) above, shall file a petition with the commission demonstrating extraordinary circumstances, pursuant to Puc 201.05.

Puc 406.05 Designation Process.

(a) The following entities, provided they do not currently have a signed contract with [an ILEC](#) ~~a PSP~~ for the provision of any payphone, may file a petition for PIP designation:

- (1) A private individual;
- (2) A private group; or
- (3) A federal, state, or local government agency.

(b) A petition for PIP designation shall:

- (1) Identify the exact location desired for the PIP, described by reference to existing landmarks in feet and inches;
- (2) State that the petitioner has no contract with any [PSP/ILEC](#);
- (3) State the public welfare, health or safety policy objective which the proposed PIP will fulfill;
- (4) State the name and telephone number of the location provider where the proposed PIP is to be located;
- (5) Indicate whether the location provider has consented to the placement of the PIP;
- (6) State that the location provider has no contract with any [PSP/ILEC](#);
- (7) Explain how the proposed PIP meets each of the criteria listed at Puc 406.04(b)(1)-(9);
- (8) Document that a minimum of six [PSP/telecommunications carriers](#), including the ILEC, have declined to provide a payphone at the location; and
- (9) State whether a waiver of any of the criteria is requested and provide support for any waiver so requested.

(c) Upon receipt of a petition for PIP designation, the commission shall commence an investigation to determine whether the proposed PIP meets the criteria listed in Puc 406.04(b) above.

(d) Notwithstanding whether the location for the proposed PIP meets the requirements in (b) above, the commission shall not designate a payphone as a PIP if:

- (1) The petitioner indicates, pursuant to (b)(5) above, that the location provider does not consent to the placement of the proposed PIP; or
- (2) The location provider objects to the petition in writing prior to the designation of the PIP.

(e) The commission's staff shall submit a detailed report of its investigation and conclusions to:

- (1) The commission;
- (2) The petitioner;
- (3) The office of the consumer advocate; and
- (4) The location provider.

(f) After reviewing the commission staff's report, the commission shall either:

(1) Determine that the proposed site meets the criteria and issue an order designating the payphone as a PIP; or

(2) Determine that the proposed site does not meet the criteria and notify the petitioner and any parties of the reasons for the negative conclusion.

(g) The persons notified pursuant to (f) above shall have 30 days from the date of notification to:

(1) Rectify any deficiencies identified by the commission, or

(2) Request a public hearing on the issues.

(h) A request for public hearing, made pursuant to (g)(2) above, shall identify the issues, including but not limited to:

(1) Requests for waivers of any listed criteria, if any; and

(2) Objections to the commission staff's report, if any.

(i) The commission shall grant the request for public hearing and provide notice of same by publication of an order published in a newspaper of local circulation in the affected geographic area.

(j) If, based on the evidence presented at hearing, the commission determines that the proposed site meets the criteria or that a waiver of the criteria is warranted, it shall issue an order designating the payphone as a PIP.

Puc 406.06 PIP Compensation. The commission shall compensate [PSPs-telecommunications carriers](#) for providing PIPs from the fund created by RSA 374:22-q, I.

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

Puc 406.07 Process for Removal of PIP Designation.

(a) Upon receipt of a request from the location provider to remove a PIP, the commission shall remove the PIP designation immediately and direct the [PSP-telecommunications carrier](#) to provide notice pursuant to Puc 405.09(c).

(b) Subsequent to the designation of a PIP, any party may petition, or the commission may initiate a proceeding, for the removal of the PIP designation of any payphone.

(c) A petition for removal shall detail the reasons the PIP no longer meets the criteria listed in Puc 406.04(b)(1) through (9).

(d) The petitioner for removal shall send a copy of the petition to the original petitioner for the PIP designation.

(e) The commission shall serve the order of notice upon the petitioner and all parties to the original PIP designation case.

(f) The petitioner for removal shall publish the order of notice pursuant to Puc 203.01, but shall publish the notice in the form of an advertisement rather than as a legal notice.

(g) Prior to the public hearing, the commission's staff shall conduct an investigation and submit a report pursuant to the process described in Puc 406.05 above.

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

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

Puc 407.01 Purpose. The purpose of this part is to establish standard procedures, general business rules, and guidelines for shared tenant services (STS) in order to enable non-utility providers of telephone service to comply with relevant statutes and commission orders.

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

Puc 407.02 Application of Rules.

(a) The provisions of Puc 407 shall apply to all non-utility providers of telephone service who are providing STS.

(b) In addition to (a) above, the following commission rules shall apply to all STS providers:

- (1) Puc 102, relative to definitions of terms;
- (2) Puc 200, procedural rules;
- (3) Puc 402, relative to definitions of terms; and
- (4) Puc 1200, relative to customer relations.

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

Puc 407.03 Definitions.

(a) “~~End-user~~Customer” means the person to whom the provider provides STS.

(b) “Number retention” means the ability of a telephone service customer to retain that customer’s direct inward dialing telephone number at the same location, or a different location served by the central office that provides private branch exchange service to the STS provider, when switching service providers, pursuant to RSA 374:22-k, I.

(c) “Private branch exchange” means a telephone switch that can switch voice and data communications among the users of such switch, to the local telephone utility’s central office or directly to inter-exchange carriers, pursuant to RSA 374:22-k, II.

(d) “STS provider” means a landlord or other entity authorized pursuant to Puc 407.05 that offers STS to ~~end-users~~customers, except that “STS provider” does not include the following when providing local telecommunications services to their transient clientele:

- (1) Hospital facilities as defined in RSA 151-C:2 or RSA 151:19, XX;
- (2) Inns and hotels as defined in RSA 353:7, III;
- (3) Motels as defined in RSA 353:4, I;
- (4) Educational institutions as defined in RSA 631:7, I(a); or
- (5) Nursing homes as defined in RSA 151-A:1, IV.

(e) ~~(e)~~ “Shared tenant services” or “STS” means the provision of voice and data communications services to tenants at a single building, business park, office park, or mall through a private branch exchange, pursuant to RSA 374:22-k, III.

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

Puc 407.04 Requirements for Registration.

- (a) No person or entity shall provide shared tenant services in New Hampshire unless and until that person or entity is registered as an STS provider.
- (b) Prior to providing STS, any person or entity intending to provide STS shall file a completed Form STS-10 Application for Registration, described in Puc 407.20.
- (c) An STS provider shall notify the commission in writing within 10 days after any material change in the information in its "Application for Registration."

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

Puc 407.05 Authorization to Provide Shared Tenant Services.

- (a) To qualify to operate a shared tenant services network, an STS provider, pursuant to RSA 374:22- 1, shall:

- (1) Disclose in writing at the time of initially offering services to its tenants and prospective tenants, the following:

- a. Available options and terms of services;
 - b. Pricing information relative to the services provided or proposed to be provided; and
 - c. That the ~~end-user-customer~~ may at his, ~~or her~~ or its option obtain basic exchange and other voice and data communications services from an authorized local exchange carrier rather than from the STS provider.

- (2) Allow telephone number retention and access to telecommunications services into and out of shared tenant services properties without penalty and in accordance with commission rules; and

- (3) Comply with the all applicable statutes, rules and orders.

- (b) Upon receipt of a complete "Application for Registration," the commission shall issue a registration number authorizing the registrant to provide shared tenant services.

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

Puc 407.06 Revocation of Authorization.

- (a) If, after notice, and opportunity to be heard and issuing specific findings of fact and any applicable rulings of law supporting its determination, the commission determines that good cause exists, it shall issue an order providing, pursuant to (c) below, for:

- (1) ~~(1)~~Revocation, suspension, or amendment of the STS provider's authorization;

- ~~(2)~~

- ~~(3)~~(2)Disconnection of the STS provider's service;

- ~~(4)~~(3)Imposition of a civil penalty pursuant to RSA 374:22-n, RSA 374:28-a, II, and RSA 378:46;

or

- ~~(5)~~(4)Such other relief as the commission shall reasonably provide or require consistent with

statute, including but not limited to the ordering of reparation to an end user or affected party.

(b) Good cause, pursuant to (a) above, shall include the following actions by an STS provider:

- (1) Slamming, in violation of RSA 374:28-a;
- (2) Cramming, in violation of RSA 378:46;
- (3) Conducting business in an unfair or deceptive manner;
- (4) Persistent or flagrant violation of applicable statutes, commission rules or commission orders; or
- (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as an STS provider.

(c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more of the consequences set forth in (a) above which it determines to be most applicable after considering:

- (1) The nature of the infraction;
- (2) The severity of the infraction; and
- (3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.

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

Puc 407.07 Notification of Termination of Service.

(a) When an STS provider proposes to terminate its STS, at least 30 days prior to termination the STS provider shall:

(1) Provide notice to its end users in writing pursuant to Puc 407.10 that:

- a. Includes the name of the STS provider;
- b. Provides at least one name, address, and telephone number of a person representing the STS provider that the end user shall be able to contact for 3 months after termination; and
- c. Includes a statement that the end user may at his or her option obtain basic exchange and other voice and data communications services from an authorized local exchange carrier.

(2) Provide notice to the commission that includes:

- b. -a. The name of the provider;
- c. The address(s) of end users to whom the provider provides STS; and
- d. A copy of the STS provider's notice of termination to its end users described in (a) above.

(b) If the commission determines that the STS provider has not provided adequate notice to ~~end~~ users/customers, the STS provider shall provide to the commission a list of the names and addresses of the ~~end~~ users/customers affected by the termination.

Source. #8348, eff 5-10-05 (See Revision Note at chapter

Puc 407.08 Provision of Service.

- (a) An STS provider shall allow its ~~end-user~~customer direct access to local exchange carrier's dial-zero operators for emergencies and for toll service.
- (b) An STS provider shall not restrict access to any locally available interexchange carrier.
- (c) An STS provider shall not restrict ~~an end-user~~a customer from obtaining service directly from any authorized local exchange carrier which provides service in the end user's area.
- (d) An STS provider shall not penalize ~~an end-user~~a customer, except as provided in (e)(2) below, when an end user switches from a carrier to an STS provider or from an STS provider to another carrier.
- (e) An STS provider may hold ~~an end-user~~a customer who switches carriers accountable for:
 - (1) Any applicable early termination charges provided pursuant to tariffs, special contracts, or rate sheets approved by the commission; and
 - (2) Any applicable contractual provisions which the commission determines are intended to enable the existing STS provider or LEC to recover unamortized costs incurred in providing the existing service to the ~~end-user~~customer.
- (f) If ~~an end-user~~a customer elects to take service from a LEC, the STS provider shall allow the LEC access to all facilities up to the end user's premises.
- (g) The STS provider shall be responsible for wiring and maintenance of the shared tenant services facilities beyond the LEC demarcation point.

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

Puc 407.09 Number Retention.

- (a) The telephone number assigned to the ~~end-user~~customer shall be portable from the STS provider to a local exchange carrier in the same local service area without charge.
- (b) The telephone number assigned to ~~an end-user~~a customer who migrates to an STS provider from a LEC in the same local service area as the provider shall be portable to the STS provider without charge, provided that the STS provider's PBX is capable of local number portability.

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

Puc 407.10 STS Provider Notices to Customers.

- (a) Unless otherwise specified, any notice to customers required by these rules shall:
 - (1) Include the company name and relevant contact telephone number;
 - (2) Be provided separately to each tenant:
 - a. By physical delivery to the tenant;
 - b. In a separate mailing; or
 - c. In a packet of tenant information.

Puc 407.11 Customer Notification and Disclosure Required.

(a) Prior to initiating STS, and for each new end user it proposes to serve, an STS provider shall make disclosures in writing, pursuant to Puc 407.10, above, including:

- (1) ~~(1)~~ A statement of the terms and conditions of service including all current rates and termination charges, if any, which the ~~end-user~~customer will be charged, including:
 - a. A schedule of rates the ~~end-user~~customer will be charged;
 - b. An indication of whether billing commences upon call connection or in any of the following events:
 1. Busy signals;
 2. No answers;
 3. Toll free number calls;
 4. Fast busy signals;
 5. Telephone company recordings; or
 6. Any other similar non-answer or pre-answer situations;
 - c. A description of the billing algorithm describing, for example, whether billing is done on a per minute basis, such that a 61 second call would be billed as 2 minutes, or on a per second, or other, basis;
- (2) ~~(2)~~ A statement that the ~~end-user~~customer may obtain service directly from any authorized local exchange carrier which provides service in the end user's area;
- (3) ~~(3)~~ The name and local or toll-free telephone number of a representative of the STS provider to whom complaints should be addressed;
- (4) ~~(4)~~ The days and hours of the week the representative of the STS provider shall be available to address complaints;
- (5) A statement that ~~an end-user~~a customer may submit to the commission unresolved complaints regarding the STS provider, including the toll-free telephone number, address and e-mail address of the commission;
- (6) A statement that the STS provider shall give at least 30 days written notice to each affected ~~end-user~~customer prior to any change in the schedule of rates;
- (7) A statement specifying when rates may be changed;
- (8) The amount of increase that may be imposed during the period of the ~~end-user's~~customer's service agreement;
- (9) A statement that the STS provider's rates and charges are not regulated by the commission;
- (10) A statement that the ~~end-user~~customer may void a service agreement with the STS provider without further liability to the end user if the provider breaches a material term of the service agreement;

(11) A statement that the telephone number assigned to the ~~end-user~~customer is portable to any local exchange carrier without charge; and

(12) A description, conspicuously displayed, including:

a. A description of prefix or dialing requirements to reach emergency services, for example, that the ~~end-user~~customer dial “9-911;”

b. The limitations, if any, of 911 emergency service regarding proper identification of the caller’s telephone number and the caller’s location whenever a call is placed from a shared tenant service station; and

c. The limitations regarding intercept service provided by a local exchange carrier for direct inward dial number.

(b) The STS provider shall disclose upon customer request information on the most advantageous provider rate or rates available to that customer, as required by Puc 1203.02(a).

(c) The STS provider shall, within 5 business days, notify each ~~end-user~~customer of any change in the name, telephone number or hours of availability of the provider’s customer contact person, referred to in (a) (3) and (4) above.

Puc 407.12 Notice to Customers of Rate Increase. An STS provider shall give 30 days’ written notice, pursuant to Puc 407.10, to each affected ~~end-user~~customer before any change in rates.

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

Puc 407.13 Slamming Prohibited.

(a) An STS provider shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds an STS provider has switched a ~~subscriber’s~~customer’s selection of carrier without authorization, the STS shall be subject to an administrative fine, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a, II.

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

Puc 407.14 Cramming Prohibited.

(a) An STS provider shall not engage in cramming.

(b) If, after notice and opportunity for hearing, the commission finds an STS has engaged in cramming, the STS shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.

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

Puc 407.15 Complaints to the Commission. The commission shall hear unresolved complaints between the STS provider and any ~~end-user~~customer pursuant to Puc 1200 and this part.

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

Puc 407.16 Required Reports.

(a) An STS provider shall file Form STS-3 Annual Report, described in Puc 407.19, annually, on or before March 31 of each year.

(b) An STS shall submit any report or form to the commission by:

(1) Mail or other delivery to:

New Hampshire Public Utilities
Commission 21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or

(2) Electronic report filing as the commission shall provide on the commission website.

(c) An STS making an electronic filing pursuant to (b)(2) above must comply with Puc 202.08 regarding filing requirements.

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

Puc 407.17 Transfer of Authorization.

(a) Authorization to provide shared tenant services shall not be transferred to any individual or entity who has not obtained authorization pursuant to Puc 407.05.

(b) In the event the STS provider transfers its equipment or business to any other entity, such other entity shall complete the registration requirements, including submitting a new “Application for Registration” prior to providing STS service, pursuant to Puc 407.04.

(c) An STS provider shall, no less than 30 days prior to a proposed transfer, notify each affected ~~end user~~ customer in writing if ~~an end user~~ a customer is changed from one STS provider to another STS provider.

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

Puc 407.18 Availability of Forms. All commission forms shall be available on the commission’s web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

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

Puc 407.19 Form STS-3 Annual Report.

(a) On the “Annual Report” required by Puc 407.16(a) the STS provider shall include:

- (1) The name of the STS provider business entity;
- (2) The STS provider’s current principal address and telephone number;
- (3) The date of the end of the STS provider’s fiscal year;
- (4) The STS provider’s total intrastate STS revenues; and
- (5) A sworn statement, pursuant to RSA 374:15, signed and dated by an authorized representative of the STS provider attesting to the accuracy of the form.

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

Puc 407.20 Form STS-10 Application for Registration.

(a) The “Application for Registration,” required by Puc 407.04, shall include:

- (1) The name of the registrant;
- (2) The address and telephone number of the registrant;
- (3) The street address location(s) at which STS shall be provided;
- (4) A general description of anticipated ~~end users~~customers of the STS to be offered;
- (5) A signed statement that the registrant agrees to comply with applicable statutes and commission administrative rules, including part Puc 407;
- (6) The signature and title of the registrant’s authorized representative; and
- (7) The date of the application.

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

PART Puc 408 NON-UTILITY PROVIDERS OF TELEPHONE SERVICE TO CUSTOMERS IN TEMPORARY ACCOMMODATIONS

Puc 408.01 Purpose. The purpose of the rules in this part is to establish requirements for non-utility providers who resell telephone service to customers in temporary accommodations such as, but not limited to, hotels, hospitals and universities, to comply with relevant statutes.

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

Puc 408.02 Application of Rules.

(a) The provisions of Puc 408 shall apply to all non-utility providers of telephone service to customers residing in temporary accommodations (TSTA).

(b) In addition to (a) above, the following commission rules shall apply to all providers of TSTA:

- (1) Puc 102, relative to definitions of terms;
- (2) Puc 200, procedural rules;
- (3) Puc 402, relative to definitions of terms;

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

Puc 408.03 Definitions.

(a) “Telephone user” means a person who obtains telephone service from an OAS provider through a proprietor.

(b) “Proprietor” means any nonpublic utility provider of telephone services, owning or operating message switching or billing equipment solely for the purpose of reselling services provided by a telephone corporation to its patients or guests, including, but not limited to, the following:

- (1) Inns and hotels as defined in RSA 353:7;
- (2) Motels as defined in RSA 353:4;

- (3) Hospital facilities as defined in RSA 151:2 or RSA 151:19;
- (4) Educational institutions as defined in RSA 631:7 or
- (5) Any similar place of temporary accommodation.

(c) “Operator Assisted Services (OAS) Provider” means the company accepting the billing information, initiating the validation process, and recording the details of the call for, or on behalf of, the proprietor.

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

Puc 408.04 Requirements of Proprietors.

(a) Pursuant to RSA 378:17-c, IV, proprietors who provide telephone service using a PBX switch or similar equipment shall program the PBX such that all requests for police, fire, medical, or other emergency services received by the proprietor or the OAS provider shall be transferred to the public safety answering point, beginning no later than January 1, 2007.

(b) Proprietors shall display or post on or near the telephone equipment, so as to be easily seen by telephone users, a notice stating the identity of the OAS provider and the in-room location of information, including:

(1) Information, separately stated about all charges applicable to all available telephone services including:

- a. Individual customer telephone service activation deposits or fees, if any;
- b. Charges for use of telephone services, including any charges for calls not completed; and
- c. Any additional charges billed by the proprietor for telephone service.

(2) The method for obtaining the rates, terms, or conditions of OAS;

(3) The proprietor’s procedures for handling complaints;

(4) The OAS provider’s procedures for handling complaints;

(5) The means by which the telephone user may gain access to other OAS providers;

(6) The means by which the telephone user may gain access to other interexchange carriers;

(7) The means by which the telephone user may gain access to the services of the ILEC operating within the proprietor’s location; and

(8) The telephone number of the commission to which questions or complaints may be directed; and

(9) The name, address, and toll-free telephone number of the operator-assisted service provider.

(c) Proprietors shall enable telephone equipment to permit access by the telephone user to any other provider of operator-assisted services generally available in the service area.

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

Puc 408.05 Complaints to the Commission. The commission shall hear unresolved complaints between the provider and any telephone user pursuant to Puc 200 and Puc 408.

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

PART Puc 409 - RESERVED

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

PART Puc 410 INCUMBENT LOCAL EXCHANGE CARRIERS (ILECs)

Puc 410.01 Purpose. The purpose this Part is to establish standard procedures, general business rules, and guidelines for ILECs in order to enable ILECs to comply with relevant statutes and commission orders.

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

Puc 410.02 Application of Rules.

(a) ILECs that are not operating as ELECs shall comply with the provisions of Puc 410 through 429.

(b) Except as expressly provided, ILECs operating as ELECs shall not be subject to any other rules in Parts Puc 405 through Puc 417 and Puc 422 through Puc 429.

(c) In addition to (a) above, the following commission rules shall apply to all ILECs that are not operating as ELECs:

- (1) Puc 102, relative to definitions of terms;
- (2) Puc 200, procedural rules;
- (3) Puc 402, relative to definitions of terms;
- (4) Puc 800, underground utility damage protection program; and
- (5) Puc 1200, uniform administration of utility customer relations.

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

Puc 410.03 Definitions.

(a) “Average schedule company” means an ILEC who has its interstate switched and special access revenues calculated by the National Exchange Carrier Association pursuant to formulas approved by the FCC rather than individual company data.

(b) “Jurisdictional separations” means, as defined by the FCC in part 36, procedures to separate investment, expenses, and revenue between the state and interstate jurisdictions.

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

PART Puc 411 ILEC REGULATORY REQUIREMENTS

Puc 411.01 Tariffs. An ILEC shall maintain a complete tariff with the commission, pursuant to Puc 1600, except that -an ILEC that is operating as an ELEC shall not maintain a tariff for

services to end users.

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

~~Puc 411.02 ILECs Operating as CLECs. An ILEC which seeks to provide basic service in a particular area that another ILEC is authorized to serve shall obtain commission approval as a CLEC under Puc 431.~~

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

Puc 411.02 ILECs Operating as ELECs within the particular area for which they were authorized to provide service prior to July 23, 1995. An ILEC that elects to operate as an ELEC under Puc 431:

(a) may not discontinue residential basic service in any portion of their franchise area unless the commission determines that the public good will not be adversely affected by such withdrawal of service;

(b) for a period of eight years beginning August 10, 2012 or the effective date of an existing alternative plan of regulation, may not increase rates for Lifeline Telephone Assistance customers by more than 5 percent in any twelve month period;

(c) for a period of eight years beginning August 10, 2012 or the effective date of an existing alternative plan of regulation, may not increase rates for all other basic service customers by more than 10 percent in any twelve month period;

(d) shall report their rates for basic service to the commission and shall report any changes to the rates within 60 days of those changes; and

Source.

Puc 411.03 Assessment.

(a) An ILEC shall be assessed pursuant to RSA 363-A:2, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.

(b) An ILEC shall file Form ILEC-2 Assessment Report, described in Puc 429.03, annually.

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

Puc 411.04 Contact Information. An ILEC shall file Form ILEC-1 Contact Information, described in Puc 429.02, with the commission, annually and within 30 days of any change of the information on the "Contact Information" form.

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

Puc 411.05 Information Required When Service Cannot Be Provided.

(a) An ILEC shall keep a record as to each instance in which it is not able to supply basic telephone service to prospective customers within 10 days following the customer's application for service.

(b) The record required by (a) above shall be provided to the commission on request.

(c) The record shall include:

(1) The name, address, and telephone number of each applicant who was not provided service within 10 days;

- (2) The date of application for service;
- (3) The class of service applied for; and
- (4) The reason the ILEC was unable to provide service within 10 days of the customer's application.

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

Puc 411.06 Quality of Service Information Required.

- (a) An ILEC shall file Form ILEC-4 Quality of Service Report, described in Puc 429.05, annually.
- (b) An ILEC shall file Form ILEC-5 Quality of Service Report Card, described in Puc 429.06, annually.
- (c) The "Quality of Service Report Card" shall be made available for public information.
- (d) An ILEC shall file Form ILEC-21 Report of Customer Troubles, described in Puc 429.08, monthly.

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

Puc 411.07 Service Outages.

- (a) An ILEC shall report significant service outages, pursuant to Puc 402.49, by calling the commission within the following time frames:

- (1) For outages which occur between 7AM and 4PM, Monday through Friday, within ~~60 minutes~~ four hours of occurrence; and
- (2) For outages which occur at a time other than the hours in (1) above, ~~by 9:00 a.m. on the~~ within three business days following the outage.

- (b) An ILEC shall report significant service outages in writing to the commission on Form ILEC-38 Service Outages Report, described in Puc 429.15, which shall be filed within 10 days of the outage.

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

Puc 411.08 Accident Notifications.

- (a) An ILEC shall notify the commission of reportable accidents within the state of New Hampshire in connection with its facilities, property or service.

- (b) In the event of a significant accident pursuant to Puc 402.48 definitions, the ILEC shall notify the commission by telephone as follows:

- (1) During regular commission hours, the ILEC shall contact the telecommunications division representative listed on the accident notification roster, pursuant to Puc 402.01, at the commission telephone number provided and, if the telecommunications division representative is unavailable, the ILEC shall work sequentially through the accident notification roster until it speaks directly with one of the commission representatives listed therein.

- (2) Outside of regular commission hours, the ILEC shall:

~~a. Call the commission general telephone listing, provided in the accident notification roster, and leave a voice mail message;~~

~~1. Identifying the ILEC and the name and return telephone number of the individual attempting to report; and~~

~~2. Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and~~

~~b. A~~ attempt to contact a commission representative listed on the accident notification roster at the after-hours telephone number provided, starting with the telecommunications division commission representative, and working sequentially through the list until the ILEC speaks directly with one of the commission representatives listed therein.

(3) The ILEC shall provide the commission with the following information:

a. The name of the ILEC;

b. The name of the person making the report and the telephone number at which they can be reached;

c. A brief description of the accident or event and location;

d. The time at which:

1. The accident or event occurred;

2. The ILEC was first notified of the accident or event; and

e. A description of any fatalities, personal injuries and damages; and

~~f. Any other information relevant to the cause of the accident and the extent of the damages.~~

~~(4) Notification of a significant accident shall not be deemed complete until an ILEC's representative:~~

~~a. Speaks to a commission representative listed on the accident notification roster; and~~

~~b. Communicates to the commission representative the information required by (3) above.~~

(c) For all other reportable accidents, pursuant to Puc 402.46, an ILEC shall notify the commission by telephone during regular business hours as outlined in (b)(1) above:

(1) On the day of the accident or event, if possible; or

(2) On the next business day.

(d) In addition to notifying the commission, an ILEC shall file Form ILEC-30 Utility Accident Report, described in Puc 429.11, for each reportable accident within 10 business days of the accident.

(e) An ILEC shall submit a supplemental Form ILEC-30 Utility Accident Report, referencing the original "Utility Accident Report" within 60 days of notification of the accident or event.

(f) The supplemental accident report referred to in (e) above shall include any applicable supporting documentation not provided in the original report.

(g) If the ILEC is unable to speak to a commission representative outside of regular commission hours, the ILEC shall, as soon as possible on the next business day, contact the commission as outlined in (b)(2)a.

above.

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

PART Puc 412 ILEC CUSTOMER RELATIONS

~~(a) — Puc 412.01 Provision of Basic Service.~~

~~(b) — An ILEC shall make basic service pursuant to Puc 402.05 available to all customers within its franchise area.~~

~~An ILEC shall, directly or indirectly, make available to its customers all of the following as part of basic service:~~

~~Safe and reliable single party voice service;~~

~~The ability to receive all non-collect calls, at telephone lines capable of receiving calls, without additional charge;~~

~~The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;~~

~~The opportunity to presubscribe to interLATA toll carriers;~~

~~The opportunity to presubscribe to intraLATA toll carriers;~~

~~Dialing parity;~~

~~NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES~~

~~(7) Number portability;~~

~~(8) Enhanced 911, pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;~~

~~(9) Access to statewide directory assistance;~~

~~(10) Telecommunications relay service (TRS), pursuant to Puc 412.02 below;~~

~~(11) A white pages directory listing;~~

~~(12) A non-electronic telephone directory;~~

~~(13) A caller identification blocking option, on a per-call basis;~~

~~(14) A caller identification line blocking option that:~~

~~Is available to all customers without a recurring charge;~~

~~Is provided upon customer request without charge to customers who have elected non-published telephone numbers;~~

~~Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and~~

~~Is available without a non-recurring charge when requested with installation of basic service;~~

~~(15) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;~~

~~(16) The ability to report service problems to the customer's basic service provider on a 24-hour basis, 7 days a week; and~~

~~(17) Automatic Number Identification (ANI) to other carriers which accurately identifies the telephone number of the calling party.~~

~~(c) An ILEC that does not provide number portability as of the effective date of these rules shall provide number portability upon receipt of a bona fide request pursuant to the Telecommunications Act of 1996.~~

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

Puc 412.02 Telecommunications Relay Service.

(a) An ILEC may collect TRS charges in the amount ordered by the commission pursuant to Puc 200 in monthly basic service charges.

(b) An ILEC shall remit the required TRS charges per customer ordered by the commission, on or before the 20th day of each month, to the TRS trustee account designated by the commission.

(c) An ILEC shall provide the New Hampshire relay provider with all information necessary to ensure local calls placed through the TRS are not billed as toll calls and that toll calls placed through the TRS are not treated as local calls.

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

Puc 412.03 E911 Surcharge.

(a) An ILEC shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.

(b) An ILEC shall remit monthly the amount collected pursuant to (a) above to:

Department of Safety Bureau of Emergency Communications
33 Hazen Drive
Concord, New Hampshire, 03305.

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

Puc 412.04 ILEC Notices to Customers.

(a) Unless otherwise specified, any notice to customers required by these rules shall:

(1) Include the company name and relevant contact telephone number;

(2) Be provided:

a. In a separate mailing;

b. As a bill insert; or

c. By clear and conspicuous notice printed on the customer's bill; and

(3) Be sent separately from communications that would otherwise include only promotional materials.

(b) Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically.

(c) Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.

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

Puc 412.05 Bill Forms.

(a) Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.

(b) Each bill shall show all factors as are necessary, so that the charges may be readily understood from the information appearing on the bill.

(c) Each bill shall indicate the following:

(1) The date of the current bill;

(2) For those utilities which charge interest and/or late charges after the due date:

a. The due date; and

b. Any applicable penalty approved in the utility's tariff or rate schedule, as applicable;

(3) Any applicable discount;

(4) The charges;

(5) The toll-free customer service telephone number of the utility;

(6) A statement directing customers to contact the utility regarding bill questions; and

(7) A statement that customer may call the commission for further assistance after first attempting to resolve disputes with the utility.

(d) All payments made at an authorized payment agency of the utility shall be credited to the customer's account and posted effective the date payment is rendered to the authorized payment agency.

(e) Bills shall be delivered:

(1) Via US postal service; or

(2) Via an electronic billing system when offered by the utility and elected by the customer.

(f) Each utility shall maintain and make available to the commission upon request an accurate account of all utility charges for service billed to each customer and shall maintain records showing the information from which each bill may be readily computed.

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

Puc 412.06 Application of Payments. If an ILEC provides that customers may pay bills to an authorized payment agent, pursuant to Puc 402.03, of the ILEC, the ILEC shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agent.

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

Puc 412.07 Notice to Customers of Changes in Rates.

(a) Prior to the effective date of any rate increase in a tariff, an ILEC shall notify all affected customers of the rate increase pursuant to Puc 412.04, except if and to the extent that a contract between the customer and the ILEC permits increases in rates over the contract term.

(b) The notice required in (a) above shall include:

(1) The new rate;

(2) The effective date of the rate increase; and

(3) A statement that the customer has thirty days to discontinue the service without incurring the rate increase.

(c) A customer may, at any time up to and including 30 days following the written notice in (a) above, request discontinuation of the relevant service.

(d) The customer discontinuing the service pursuant to (c) above shall automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

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

Puc 412.08 Slamming Prohibited.

(a) An ILEC shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds an ILEC has switched a subscriber's selection of carrier without authorization, the ILEC shall be subject to an administrative fine, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a, II.

(c) For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission may withdraw the ILEC's authorization to provide service, pursuant to RSA 374:28-a, III.

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

Puc 412.09 Cramming Prohibited.

(a) An ILEC shall not engage in cramming.

(b) If, after notice and opportunity for hearing, the commission finds an ILEC has engaged in cramming, the ILEC shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.

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

Puc 412.10 Customer Refunds for Interruptions of Service.

(a) Upon request, the ILEC shall refund to an affected customer the pro rata part of that month's flat-rate charges for the period of days during which telephone service was not available, when the ILEC has not cleared an alarm or trouble report relating to a specific customer or customers within twenty-four (24) hours.

(b) The refund required by (a) above may be accomplished by a credit on a subsequent bill for telephone service of a customer.

Puc 412.11 Directories.

(a) An ILEC shall ~~publish, or arrange to be published, at regular intervals not to exceed 15 months, one or more telephone directories~~ make available a directory of telephone numbers so as to cover for all exchanges which it serves.

(b) The directory shall: list the name, address, and telephone number of people or businesses who can be called in the local service area.

~~(c) List the name, address, and telephone number of people or businesses who can be called in the local service area; and~~

~~(d) Be provided to each customer;~~

~~(e)(c)~~ An ILEC shall provide reasonable access on a non-discriminatory basis to information necessary to publish telephone directories.

~~(f)(d)~~ An ILEC that directly or indirectly publishes a directory shall provide or continue to provide any type or kind of telephone directory listing or advertisement that it provides to its own customers to any customer despite that customer's choice to take service from a competitor.

~~(g)(e)~~ In case of an error or omission in the ~~white page~~ directory listing for which the customer is charged, an ILEC shall provide an adjustment of the total charges for such listing.

~~(h)(f)~~ In the event of an error in the listed number of any customer, and until ~~a new directory is published~~ the directory listing is corrected, the ILEC shall intercept, if possible, all calls to the listed number and give the calling party the correct number of the party being called.

~~(i)(g)~~ In the event of an error in the name or address listing of any customer, the ILEC shall include such customer's correct name, address, and telephone number in the files and applicable databases of the information operator and shall furnish this information to every caller upon request.

~~(j)(h)~~ Whenever any customer's telephone number is changed due to error of the carrier after a directory is published, and until a ~~new directory is issued~~ listing is corrected, unless the customer requests otherwise, the ILEC shall:

- (1) Intercept, if possible, all calls to the former number for a period of no fewer than ninety days and give the calling party the new number for that customer;
- (2) Maintain the correct number in its directory assistance listing; and
- (3) Furnish the correct number to any caller upon request.

Puc 412.12 Publication of Telephone Numbers.

(a) An ILEC shall not publish or list numbers for which a customer or other LEC requests non-directory listed or non-published status.

(b) Customers who request non-published telephone numbers shall be informed by the ILEC, at the time of the request, that the caller identification line blocking option is available at no additional charge.

Puc 412.13 Confidentiality Requirements.

~~(e)~~—(a) An ILEC shall treat all communications between customers as confidential unless, and to the extent, authorized by the commission, or state or federal law.

(b) No ILEC operators, employees or agents shall, except when a technical necessity exists:

- (1) Listen to any telephone conversation between customers; or
- (2) Monitor the content of non-voice communication such as data.

(c) Employees, including operators and agents of an ILEC, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the ILEC, unless, and to the extent, authorized by the commission or by state or federal law.

(d) An ILEC shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.

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

Puc 412.14 Exit Fees.

- (a) ILECs shall not charge retail customers any exit fees.
- (b) Exit fees shall not include:
 - (1) Contractual obligations; or
 - (2) Termination fees for early termination of services purchased under a term agreement.

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

Puc 412.15 Disconnection of Service.

(a) An utility-ILEC may require, pursuant to Puc 1203.10, that a residential customer shall:

- (1) Give notice of up to 4 business days of his intention to discontinue service; and
- (2) Be responsible for all charges until expiration of such notice period.

(b) Except as provided for in Puc 412.16, an ILEC a utility may provide notice of disconnection of service, pursuant to Puc 412.17, to a residential customer, and may subsequently disconnect such service in conformance with this section, only if:

- (1) The customer has failed to pay any bill or deposit request, not disputed in good faith, within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07;
- (2) The customer has failed to abide by the terms of a payment arrangement entered into

pursuant to Puc 1203.07;

(3) The customer has failed to pay the bill for service or enter into a payment arrangement for the bill for service on or before the due date printed on the bill; or

(4) The customer refuses access to his premises for a necessary inspection of utility property.

(c) When a customer has received a disconnection notice pursuant to (b) above, the ~~utility-ILEC~~ may require payment at less than monthly intervals in lieu of disconnection or upon reconnection without deposit.

(d) If service is disconnected for non-payment, an ILEC ~~a utility~~ may charge for reconnection as provided in its approved tariff or rate schedule.

(e) An ILEC ~~A utility~~ may disconnect service to a residential customer without notice only if:

(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;

(2) A customer or resident in the customer's household has participated in or created the following:

- a. Fraudulent use or procurement of the utility service; or
- b. Tampering with the connections or other equipment of the utility; or

(3) The customer has:

- a. Clearly abandoned the premises; or
- b. Failed to abide by the terms of a payment arrangement, of which the customer has previously received notice, entered into pursuant to Puc 1203.07.

(f) An ILEC ~~A utility~~ shall not disconnect a customer if:

(1) The customer's unpaid bill for regulated services is less than \$25.00, unless it includes an arrearage in whole or in part outstanding for more than 60 days;

(2) The customer's unpaid bill results from charges for unregulated services including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales;

(3) The ~~utility-ILEC~~ bills for service in advance and the service has not yet been provided; or

(4) The ~~utility-ILEC~~ has, within the preceding 60 days, received notification, in accordance with (g) below, from a licensed physician or mental health practitioner as defined in RSA 330-A:2, VII that a medical emergency exists at the location or would result from the disconnection.

(g) In order to avoid disconnection pursuant to (f)(4) above, a licensed physician's or mental health practitioner's certification of medical emergency shall be provided to the ~~utility-ILEC~~ according to the following:

(1) The initial notification may be made by the physician or mental health practitioner by telephone and shall be deemed valid for 7 days;

(2) The certification shall continue in force if a licensed physician or mental health practitioner

provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and

(3) Written certification shall be renewable every 60 days as necessary provided that the customer enters into and complies with the terms of a payment arrangement pursuant to Puc 1203.07.

(h) ~~An ILEC A-utility~~ which intends to terminate service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to (g)(3) above, shall notify the commission no fewer than 5 business days prior to termination.

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

Puc 412.16 Disconnection of Service to Lifeline Telephone Assistance Customers.

(a) Except as provided in (b) below, the ~~basic-local exchange~~ service of customers receiving benefits under the federal Lifeline Telephone Assistance program shall not be disconnected for failure to pay any portion of the bill associated with the provision of toll service.

(b) For customers receiving benefits under the federal Lifeline Telephone Assistance program and subscribing to a ~~bundled-other services-option~~, ~~basic-local exchange~~ service may be disconnected in accordance with Puc 412.15.

(c) ~~An ILEC A-utility~~ shall provide notice of disconnection of ~~basic-local exchange~~ service, pursuant to Puc 412.17, to a residential customer receiving benefits under the federal Lifeline Telephone Assistance program, and may subsequently disconnect such service if:

(1) The customer has failed to pay any undisputed bill for ~~basic-local exchange~~ service or undisputed ~~basic-local exchange~~ service deposit request within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07 for the arrearage resulting from the provision of ~~basic-local exchange~~ service or the ~~basic-local exchange~~ service deposit request;

(2) The customer has failed to pay for an arrearage resulting from the provision of ~~basic-local exchange~~ service according to the terms of a payment arrangement for an arrearage resulting from the provision of ~~basic-local exchange~~ service entered into pursuant to Puc 1203.07;

(3) The customer has failed to pay the bill for ~~basic-local exchange~~ service or enter into a payment arrangement for utility bill for ~~basic-local exchange~~ services on or before the due date printed on the bill; or

(4) The customer refuses access to his premises for a necessary inspection of utility property.

(d) For the purposes of this section, allowed ~~basic-local exchange~~ service charges shall include any charge or fee that would be levied if the customer only ordered ~~basic-local exchange~~ service including but not limited to E911 charges, state and federal taxes, charges for directory assistance provided by the local exchange carrier, charges for non-published numbers and non-listed numbers, and optional regulated services, excluding toll service, to which the customer subscribes.

(e) If ~~basic-local exchange~~ service is disconnected for non-payment, ~~an ILEC a-utility~~ may charge for reconnection as provided in its approved tariff or rate schedule.

(f) ~~An ILEC A-utility~~ may disconnect ~~basic-local exchange~~ service to a residential customer without notice only if:

(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions

dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;

(2) A customer or resident in the customer's household has participated in or created the following:

- a. Fraudulent use or procurement of the utility service; or
- b. Tampering with the connections or other equipment of the utility; or

(3) The customer has:

- a. Clearly abandoned the premises; or
- b. Failed to abide by the terms of a payment arrangement for the provision of basie-local exchange service entered into pursuant to Puc 1203.07.

(g) An ILEC A-utility shall not disconnect a customer's basie-local exchange service if:

- (1) The customer's unpaid bill for basie-local exchange services is less than \$25.00, unless it includes an arrearage for the provision of basie-local exchange service which is in whole or in part outstanding for more than 60 days;
- (2) The customer's unpaid bill results from charges for unregulated services other than basie local exchange service including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales;
- (3) The utility-ILEC bills for service in advance and the service has not yet been provided; or
- (4) The utility-ILEC has, within the preceding 60 days, received notification certification in writing, in accordance with (h) below, from a licensed physician or mental health practitioner that a medical emergency exists at the location or would result from the disconnection.

(h) In order to avoid disconnection pursuant to (g)(4) above, a licensed physician's or mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:

- (1) The initial notification may be made by the physician or mental health practitioner by telephone and shall be deemed valid for 7 days;
- (2) The certification shall continue in force if a licensed physician or mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and
- (3) Written certification shall be renewable every 60 days as necessary.

(ih) The physician's or mental health practitioner's certification of medical emergency described in (gh) above shall be sufficient to retain basie-local exchange service provided the customer enters into and complies with the terms of a payment arrangement for arrearages incurred for the provision of basic service pursuant to Puc 1203.07.

(ij) An ILEC A-utility which intends to disconnect the basie-local exchange service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to 1203.07, shall notify the commission no fewer than 5 business days prior to termination.

(kk) For purposes of this section, “Lifeline Telephone Assistance” means the program implemented by the Federal Communications Commission pursuant to 47 CFR 69.117.

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

Puc 412.17 Notice of Disconnection.

(a) An ILEC ~~A utility~~ shall not, except as specified in Puc 412.15(e), disconnect the service of any customer unless the ~~utility~~ ILEC sends the customer written notice of the ~~utility's~~ ILEC's intention to disconnect, mailed at least 14 days in advance of the date of the proposed disconnection.

(b) An ILEC ~~A utility~~ shall not mail the disconnect notice referred to in (a) above to the customer fewer than 30 days from the bill date.

(c) The ~~utility~~ ILEC may disconnect service on a disconnect date scheduled pursuant to this section, unless the bill for service is paid or arrangements to pay the bill are made prior to disconnection.

(d) Unless otherwise requested by the customer, an ILEC ~~a utility~~ shall only disconnect service to its residential customers between 8:00 am and 3:00 pm eastern time.

(e) Unless otherwise requested by the customer, ~~utilities~~ ILECs shall not disconnect service to residential customers during the hours specified in (d) above if the disconnection would occur on:

- (1) A state or federal holiday;
- (2) The day preceding a state or federal holiday;
- (3) A day the commission is closed to the public; or
- (4) The day preceding a day the commission is closed to the public.

(f) Before disconnecting, the ~~utility~~ ILEC shall attempt to notify an adult occupant of the premises by telephone.

(g) If an ILEC ~~a utility~~ employee or agent visits the premises to disconnect, that employee shall notify an adult occupant of the premises or, if no adult is at the premises, leave a note as to how the customer may be reconnected.

(h) If the ~~utility~~ ILEC sends an employee to the customer's premises for the purpose of disconnecting service and the customer tenders payment in full of the bill to prevent disconnection, the employee shall:

- (1) Either accept payment, give a receipt and leave the service connected; or
- (2) Without disconnecting, direct the customer to go immediately to the ~~utility's~~ ILEC's nearest office and tender payment there.

(i) The employee or agent visiting the customer's residence for purpose of effecting disconnection, as provided in (h) above, shall know the full amount to be paid but shall not be required to make change or negotiate payment arrangements.

(j) The ~~utility~~ ILEC shall be required to follow the procedures outlined in (g), (h) and (i) above on any specific customer account no more than twice in any 12 month period.

(k) ~~An ILEC A-utility~~ may conduct a disconnection at times other than those permitted pursuant to (d) and (e) above if:

- (1) The customer has agreed to arrangements to disconnect; or
- (2) The ~~utility-ILEC~~ must enter the premises to disconnect service and the ~~utility-ILEC~~ has access to the premises only during times other than those permitted by (d) and (e) above.

(l) Upon the request of the commission, every ~~utility-ILEC~~ shall report to the commission the annual number of disconnect notices sent out and the number of actual disconnections for non-payment.

(m) Any disconnect notice which ~~an ILEC a-utility~~ sends to a customer pursuant to this section shall set forth in clear, concise and conspicuously printed words, the following information:

- (1) The name and mailing address of the customer;
- (2) The account number;
- (3) The date scheduled for disconnection of service;
- (4) The reason for the disconnection of service including the overdue amount;
- (5) The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;
- (6) The address and telephone number at which the customer may contact the utility;
- (7) The toll-free telephone number of the commission's consumer affairs division, which is: 1-800-852-3793;
- (8) The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; and
- (9) Any additional data which the utility deems pertinent.

(n) When the disconnect notice described in (m) above includes charges in the overdue amount for non-regulated services including but not limited to telephone directory advertising, telephone equipment, or internet connectivity charges, the notice shall also:

- (1) Separately list the amount due for regulated services; and
- (2) Include the following statement: "Your telephone can be disconnected if you do not pay your usage charges for telephone service. Your telephone service cannot be disconnected for non-payment of other charges such as internet connectivity, telephone directory advertising, or telephone equipment charges."

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

Puc 412.18 Disconnection Conferences with Customer.

(a) At the request of a customer, ~~an ILEC a-utility~~ shall provide the customer with the opportunity for a conference with the ~~utility-ILEC~~ if the request is made prior to the proposed date of disconnection of service specified in the disconnect notice.

(b) If a customer contacts the ~~utility-ILEC~~ on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the ~~ILECutility~~.

(c) If a customer contacts the ~~utility~~ ILEC either 1 or 2 days prior to the scheduled disconnection date requesting a conference, the ~~utility~~ ILEC shall schedule a conference no later than 3 business days after the request.

(d) If the customer contacts the ILEC ~~utility~~ as provided in (a) and (c) above and schedules a conference, the ILEC ~~utility~~ shall not disconnect service until the ILEC ~~utility~~ has notified the customer of the outcome of the conference.

(e) The conference may be conducted in person or by telephone.

(f) During the conference if the customer and the ILEC ~~utility~~ cannot agree on a resolution, the ILEC ~~utility~~ shall inform the customer of the customer's right to request a conference with the commission staff.

(g) In order to request a conference with the commission staff, a customer shall:

(1) Make the request with the commission's consumer affairs division before the later of:

- a. The scheduled disconnection date; or
- b. The fifth business day following ILEC ~~utility~~ notification to the customer of the outcome of the ILEC's ~~utility's~~ conference with the customer; and

(2) Make the request to the commission's consumer affairs division in writing, in person, or by telephone.

(h) Each ILEC ~~utility~~ shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.

(i) Upon the customer's request for a conference with the commission staff pursuant to (g) above:

- (1) The commission staff shall notify the ILEC ~~utility~~ of the customer's timely made request;
- (2) The ILEC ~~utility~~ shall forward to the commission's consumer affairs division a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference along with any other information the commission staff may request; and
- (3) The ILEC ~~utility~~ shall not disconnect service until the commission notifies the ILEC ~~utility~~ of the outcome of the commission staff's conference with the customer.

(j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the ILEC ~~utility~~ shall continue service to the customer until such time as the commission determines whether disconnection is justified.

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

Puc 412.19 Disconnection of Service to Non-residential Customers.

(a) For customer-initiated disconnections of service, a ~~utility~~ ILEC may require that a non-residential customer shall:

- (1) Give 4 business days notice to the ~~utility~~ ILEC of the customer's intention to discontinue service; and
- (2) Be responsible for all charges until expiration of the notice period referred to in (1) above.

(b) For all other disconnections of service, a ~~utility~~ ILEC shall, before disconnecting the service of a

nonresidential customer, provide written notice of disconnection no fewer than 5 days prior to the scheduled date of disconnection.

(c) A [utilityILEC](#) may disconnect the service of a non-residential customer when:

- (1) The customer has failed to pay any undisputed bill for basic service or undisputed deposit request within 30 days from the bill date;
- (2) The customer has violated a provision of the [utilityILEC](#)'s approved tariff or a commission rule; or
- (3) The customer refuses access to his premises for a necessary inspection of [utilityILEC](#) property.

(d) Unless otherwise requested by the customer, utilities shall only disconnect service to its non-residential customers between 8:00 am and 3:00 pm eastern time;

(e) Unless otherwise requested by the customer, utilities shall not disconnect service to nonresidential customers during the hours specified in (d) above if the disconnection would occur on:

- (1) A state or federal holiday;
- (2) The day preceding a state or federal holiday;
- (3) A day the commission is closed to the public; or
- (4) The day preceding a day the commission is closed to the public.

(f) A [utilityILEC](#) may disconnect a non-residential customer without giving the notice required in (a) above, in the following events:

- (1) A customer has undertaken an action or a situation has been created with respect to the customer's [utilityILEC](#) service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger; or
- (2) When the [utilityILEC](#) determines that the customer has engaged in fraudulent use of its telephone service.

(g) If service is discontinued for non-payment, the [utilityILEC](#) may make a charge for reconnection in accordance with the [utilityILEC](#)'s approved tariff or rate schedule.

(h) An [utilityILEC](#) shall send written notice of disconnection to a non-residential customer, except as provided in (f) above, which shall include:

- (1) The name and mailing address of the customer;
- (2) The account number;
- (3) The date scheduled for disconnection of service;
- (4) The reason for the disconnection of service including the overdue amount;
- (5) The possible consequences of disconnection, such as deposit requirement, reconnection fee, and other similar consequences;
- (6) The address and telephone number at which the customer may contact the [utilityILEC](#);

- (7) The toll-free telephone number of the commission's consumer affairs division;
- (8) The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; and
- (9) Any additional data which the ~~utility~~ILEC deems pertinent.

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

Puc 412.20 Disconnection of Associated Tariffed Services.

(a) An ~~utility~~ILEC may disconnect a customer's associated service, for an arrearage resulting from the provision of service on the customer's other telephone line(s), provided that the ~~utility~~ILEC complies with the disconnection requirements of this section, if the ~~utility~~ILEC:

(1) Provides a statement to the customer on the disconnection notice:

- a. Conspicuously notifying the customer that disconnection of an associated service may occur as a result of an event for which disconnection could occur at the customer's other telephone line(s); and
- b. Clearly and conspicuously stating that the associated service may be disconnected; and

(2) Provides terms and conditions in its approved tariff for disconnection based on associated services.

(b) Notwithstanding the provisions of 412.15 (d), no ~~utility~~ILEC shall charge for reconnection of an associated service.

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

Puc 412.21 Application of Payments for Customers Participating in the Lifeline Telephone Assistance Program.

(a) For residential customers participating in the Lifeline Telephone Assistance program subscribing to basic service, the payment shall be applied to past due charges for basic first, past due charges for toll second, current charges for basic third, and current charges for toll fourth.

(b) For residential customers participating in the Lifeline Telephone Assistance program subscribing to a ~~bundled other~~ services, the payments shall be applied to the past due charges for ~~bundled those~~ services first, and current charges for ~~bundled those~~ services second.

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

PART Puc 413 ILEC EQUIPMENT AND FACILITIES

Puc 413.01 Construction, Installation and Maintenance of Physical Plant.

(a) An ILEC shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2002 edition, and the National Electric Code as adopted by RSA 155-A:1, IV.

(b) An ILEC shall construct, install and maintain its plant, structures, equipment, and lines to prevent interference with service furnished by other carriers and by other public service facilities, such as cable, fire alarm, electric, water, sewer, gas, or steam facilities.

(c) An ILEC shall, at regular intervals, test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate, and continuous operation of its system, repairing, adjusting, and replacing the following equipment and facilities as needed:

- (1) Central office equipment, including all switching equipment;
- (2) Interoffice and transmission equipment; and
- (3) Local loop facilities.

(d) An ILEC shall preserve records of any and all tests and inspections, required by (a) through (c) above, pursuant to Puc 416.01, regarding preservation of records.

(e) The records preserved pursuant to (d) above shall be made available to the commission, on a confidential basis, upon request, and shall contain:

- (1) The equipment tested or inspected;
- (2) The reason for the test or inspection;
- (3) The general conditions under which the test or inspection was made;
- (4) The general result of the test; and
- (5) Any corrections which were made subsequent to the test or inspection.

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

Puc 413.02 Restoration of Service. When a customer's telephone service is reported or found to be out of order or degraded, the ILEC shall restore the service as promptly as possible.

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

Puc 413.03 Emergency Operations.

(a) An ILEC shall make reasonable provisions to meet emergencies resulting from any of the following:

- (1) Failures of commercial power service;
- (2) Sudden and prolonged increases in traffic;
- (3) Illness, strike, or labor unrest of employees;
- (4) Failure of a supplier to deliver materials or supplies;
- (5) Civil unrest; or
- (6) Any other significant disasters, including, but not limited to, fire, storms, floods, or other "acts of God" causing loss of communication to a large population or area of the state to the extent that the magnitude or duration is foreseeable.

(b) An ILEC shall establish plans and procedures and issue instructions to its employees and agents to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telephone service.

(c) The preparations required by (b) above shall include plans and procedures for operations under

extreme, severe or adverse conditions, such as natural disasters, strike, labor unrest, civil unrest or supplier disruption.

(d) The plans and procedures established under (c) above shall be made available to the commission, on a confidential basis, upon request.

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

Puc 413.04 Safety Instructions.

(a) An ILEC shall adopt instructions for the safety of employees and agents.

(b) An ILEC shall institute practices and programs to ensure that such employees and agents have been properly informed of safe practices and are cognizant of all hazards involved.

(c) An ILEC shall instruct its employees engaged in line construction, where pole facilities are used jointly with an electric utility, in the practice and use of accepted rules for resuscitation from electric shock.

(d) An ILEC shall provide copies of procedures developed pursuant to this section to each such employee or agent.

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

Puc 413.05 Commission Inspections. An ILEC shall allow and assist the commission when it shall, from time to time, inspect the works and system of each ILEC and the manner in which each such ILEC has conformed to statutes, rules and orders.

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

Puc 413.06 Quality of Service Standards.

(a) An ILEC shall maintain sufficient equipment for each exchange to handle traffic.

(b) An ILEC shall conduct and record traffic studies to the extent and frequency necessary to determine that sufficient equipment is in use.

(c) An ILEC shall provide sufficient interexchange trunks and interoffice channels to handle the traffic without delay such that the service shall engender no more than one blocked call, that is, busy signal, per 100 calls during a normal busy hour.

(d) An ILEC shall provide sufficient central office capacity and equipment to meet the following minimum requirements during any normal busy hour:

(1) Dial tone shall be provided within 3 seconds on at least 98% of telephone calls; and

(2) Complete dialing of called numbers shall occur, without encountering a busy condition within the intra-ILEC interoffice trunks, on at least 97% of all attempted calls.

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

PART Puc 414 ILEC ACCOUNTING REQUIREMENTS

Puc 414.01 Uniform System of Accounts. Each ILEC shall maintain and preserve its accounts and records in conformity with the "Uniform System of Accounts for Telecommunications Companies," pursuant

to RSA 374:8.

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

Puc 414.02 RESERVED

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

Puc 414.03 Short Term Debt. No ILEC shall issue or renew any notes, bonds or other evidence of indebtedness payable less than 12 months after the date thereof if said short term debt exceeds 10% of the net depreciated value of the ~~utility~~ ILEC's plant.

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

Puc 414.04 Depreciation.

(a) An ILEC shall file Form ILEC-33 Report of Proposed Changes in Depreciation Rates, described in Puc 429.14, when proposing any changes in depreciation rates.

(b) An ILEC shall not implement any change in depreciation rates until the proposed change has been approved by the commission.

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

PART Puc 415 ILEC REPORTS AND FILINGS

Puc 415.01 Annual Reports.

(a) Unless otherwise specified in this part, reports filed annually shall be due on or before March 31 of each year, and shall cover the most recent fiscal year.

(b) An ILEC shall file the following commission reports annually:

(1) Form ILEC-1 Contact Information as described in Puc 429.02;

(2) Form ILEC-2 Assessment Report as described in Puc 449.03;

~~(3)~~ Form ILEC-3 Annual Report, described in Puc 429.04; and

~~(4)~~ ~~(3)~~ Form ILEC-4 Quality of Service Report as described in Puc 429.05;

~~(5)~~ ~~(4)~~ Form ILEC-5 Quality of Service Report Card as described in Puc 429.06; and

~~(6)~~ ~~(5)~~ Form ILEC-6 Jurisdictional Separations Report, described in Puc 429.07, when an ILEC has annual revenues from regulated telecommunications operations of \$100,000,000 or less and is not an average schedule company pursuant to 410.03 (b).

(c) Form ILEC-6 shall be due on or before July 31 of each year.

(d) A copy of the following reports, if filed by an ILEC, shall be provided to the commission:

(1) Shareholder annual reports, which shall be received by the commission within 7 days from the date of mailing the same to shareholders;

(2) Securities and Exchange Commission (SEC) filings, which shall be received by the

commission within 15 days from the initial filing date with the SEC; and

(3) Rural Utilities Service Annual Reports, which shall be received by the commission on or before March 31 of each year.

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

~~Puc 415.02 Quarterly Reports. An ILEC shall file Form ILEC-23 Quarterly Financial Report, described in Puc 429.10, each quarter, within 45 days of the end of the quarter, which shall cover the most recently completed calendar quarter.~~

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

Puc 415.03 Monthly Reports.

(a) An ILEC shall file Form ILEC-21 Report of Customer Troubles described in Puc 429.08, on or before the fifteenth of each month, which shall cover the most recent month.

~~(b) An ILEC having annual revenues from New Hampshire regulated telecommunications operations of \$100,000,000 or more shall file Form ILEC-22 Monthly Financial Report, described in Puc 429.09, within 45 days of the end of the reported period.~~

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

Puc 415.04 Other Reports.

(a) An ILEC shall file the following reports with the commission within 30 days of the event that necessitates the filing:

(1) A Form ILEC-1 Contact Information, described in Puc 429.02, with respect to any changes in the information on the ILEC's most recently filed "Contact Information;"

(2) A Form ILEC-30 Utility Accident Report, described in Puc 429.11, on the occurrence of a reportable accident pursuant to Puc 411.08(d) and (e), within 10 days and 60 days of the accident;

~~(3) A Form ILEC-31 Petition for Authority to Issue Securities, described in Puc 429.12, with respect to seeking authority to issue securities;~~

~~(4) A Form ILEC-32 Report of Proposed Fixed Capital Expenditures, described in Puc 429.13, when:~~

~~a. The estimated cost of any addition, extensions or capital improvement to its utility will exceed the following reportable amounts, as shown in table 4.1.5 below:~~

~~Table 4.1.5.~~

Reportable Amounts By Utility Plant Range	
Utility Plant Range	Reportable Amount
\$ 400,000 and under	\$ 5,000
400,001 to \$ 1,000,000	\$ 10,000
1,000,001 to 2,000,000	\$ 15,000

2,000,001 to 3,000,000	\$ 22,500
3,000,001 to 50,000,000	\$ 30,000
50,000,001 to 100,000,000	\$ 50,000
100,000,001 and over	\$ 100,000

~~b. The reportable amount, for purposes of a. above, shall be based on the gross fixed capital, as of December 31 of the calendar year immediately preceding.~~

~~c. The reporting limits established in a. above shall apply to total project cost including contributions in aid of construction.~~

~~(5) A Form ILEC-33 Report of Proposed Changes in Depreciation Rates, described in Puc 429.14, when proposing any changes in depreciation rates pursuant to Puc 414.04.~~

~~(6)(3)~~ A Form ILEC-38 Report of Outages, described in Puc 429.15, on the occurrence of a significant service outage, pursuant to Puc 411.07(b).

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

Puc 415.05 Submitting Reports and Forms.

(a) An ILEC shall submit all required reports and forms to the commission by the following methods:

(1) Mail or other delivery to:

New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or

(2) Electronic report filing as the commission shall provide on the commission website.

(b) An ILEC making an electronic filing pursuant to (a)(2) above must comply with Puc 202.08 regarding filing requirements.

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

Puc 415.06 Confidential Treatment. An ILEC which seeks confidential treatment of any of the reports required by this section shall do so pursuant to RSA 378:43.

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

PART Puc 416 ILEC RECORDS

Puc 416.01 General Preservation and Location of Records.

(a) An ILEC shall preserve all records required by Puc 200, 400 and 1600 for a period of 2 years unless otherwise designated by the commission's rules governing the preservation of records, including but not limited to Puc 414.01.

(b) An ILEC shall make available the records required to be preserved pursuant to (a) above to the commission, or its designated representative for examination during the ILEC's normal business hours.

(c) An ILEC that maintains an office within New Hampshire shall provide the records requested by the commission at the ILEC's normal place of business in New Hampshire.

(d) An ILEC that does not maintain an office within New Hampshire shall provide the records requested by the commission at the office of the commission.

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

PART Puc 417 ILEC OPERATOR SERVICES

Puc 417.01 Provision of Service.

(a) An ILEC that provides operator services shall orally identify itself by name prior to the connection of the telephone call.

(b) An ILEC that provides operator services shall provide the following information immediately, audibly and distinctly to the telephone user, upon request and at no charge:

(1) Sufficient information to enable the customer to determine the total cost of the call that will be billed by or on behalf of the ILEC, including:

- a. The per minute rate;
- b. Any and all surcharges; and
- c. Any other charge associated with the call, excluding taxes; and

(2) The methods by which complaints concerning such rates, charges or collection practices will be resolved.

(c) An ILEC that provides operator services shall instruct telephone users that they may obtain applicable rate and surcharge quotations required by (b) above, either by:

- (1) Dialing no more than 2 digits; or
- (2) Remaining on the line.

(d) An ILEC that provides operator services shall permit the telephone user to terminate the telephone call before the commencement of any charges.

(e) Where an ILEC provides operator services that allow third party calls, the ILEC shall:

- (1) Require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred; and
- (2) Require its operators to obtain such verification prior to allowing the third-party customer to be billed.

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

PART Puc 418 ILEC INTERCARRIER OBLIGATIONS

Puc 418.01 Intercompany Cooperation.

(a) An ILEC shall cooperate with all carriers to ensure a ubiquitous and seamless telecommunications network in New Hampshire.

(b) For the purpose of (a) above, a “seamless telecommunications network” means one in which customers do not perceive any transition from one carrier to the next.

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

Puc 418.02 Switching and Signaling Obligations.

(a) An ILEC shall provide answer and disconnect supervision in accordance with industry standards.

(b) An ILEC shall deliver to its customers the following kinds of calls unless screened or blocked at the customer's request:

(1) Collect calls; and

(2) Third party calls.

(c) An ILEC, including an ILEC that operates as an ELEC, shall provide access to operator services pursuant to the Telecommunications Act of

1996.

(d) An ILEC, including an ILEC that operates as an ELEC, shall provide reasonable access to all signaling information pursuant to industry protocols.

(e) An ILEC, including an ILEC that operates as an ELEC, shall not interfere with the transmission of signaling information.

(f) An ILEC, including an ILEC that operates as an ELEC, shall protect Customer Proprietary Network Information (CPNI) as defined in the Communications Act of 1934, as amended, 47 U.S.C. (h)(1) at least to the level required by FCC regulations.

(g) An ILEC shall communicate, on a demand and preventative basis, information regarding maintenance necessary to ensure successful call completion.

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

Puc 418.03 Trouble Reporting and Resolution Obligations.

(a) An ILEC shall accept and respond to repair requests, trouble reports and service orders in a nondiscriminatory manner without regard to whether the service is retail or wholesale, or being resold or migrated.

(b) An ILEC that receives a trouble report from its customer and determines that the trouble is not on its network shall coordinate the trouble in a timely manner.

(c) ~~(e)~~ The responsibility of carriers shall be allocated as follows:

(1) The carrier providing the customer's local exchange service, that is, dial tone, is responsible for accepting, reporting and coordinating the resolution of troubles that involve interruption of service; and

(2) The carrier receiving a trouble report from its customer regarding the non-completion of an outgoing call shall for accept, report and coordinate the resolution of that trouble.

(d) An ILEC shall rectify any customer troubles in a prompt and nondiscriminatory manner.

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

Puc 418.04 Rights of Way. An ILEC, including an ILEC that operates as an ELEC, shall provide access to any pole, duct, conduit or right of way owned or controlled by the ILEC in accordance with the Telecommunications Act of 1996.

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

Puc 418.05 Exchange of Billing Name and Address Information.

(a) An ILEC shall provide billing name and address data to other carriers for billing and collection.

(b) An ILEC that charges a fee for providing billing name and address information shall do so in accordance with the applicable tariff or contractual arrangement.

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

Puc 418.06 Carrier to Carrier Migrations.

(a) An ILEC shall not release confidential customer information, including customer usage data and customer payment information, without written authorization from the customer, unless otherwise required by law.

(b) An ILEC shall accept and respond to requests for customer information, service and feature information, migration and installation orders without regard to whether the service is being resold or migrated.

(c) When an ILEC receives an order to transfer, change or install a customer's service, it shall not, as a result of its receipt, market or otherwise initiate communications to retain or obtain the customer for a period of 7 days following the completion by the carrier of the order to migrate a customer from its services to a competing carrier.

(d) An ILEC shall not market to retain a customer as a result of receiving a request for a customer service record.

(e) When acquiring a new customer, an ILEC shall schedule the events of a migration and notify the customer of the timing and impact of those events.

(f) When migrating end users, an ILEC shall work together in good faith with other carriers to minimize or avoid any problems, including, but not limited to, service interruptions and billing problems.

(g) When porting a customer's number to another carrier, an ILEC shall release the number without delay or consideration of any issue such as the customer's account balance.

(h) An ILEC shall be responsible for building a port trigger in its telephone number translations at least 1 business day prior to a cutover.

(i) Upon notification of porting, an ILEC shall ensure that the port trigger will query the Number Portability Administration Center database every time a call is placed to the telephone number being cut over.

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

Puc 418.07 Intercompany Contact Information.

(a) An ILEC shall provide and regularly maintain contact and escalation lists for network, interconnection and provisioning issues on a web page, if the ILEC maintains a website.

(b) Substantive changes to the location or content of the information provided in (a) above shall be updated within 5 business days.

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

Puc 418.08 Accessing, Maintaining and Updating of Databases.

(a) To the extent that an ILEC administers, directly or indirectly, the following databases, it shall provide reasonable access for the purpose of maintaining and updating the information therein:

- (1) Directory assistance;
- (2) The E911 database;
- (3) The toll-free 800 database;
- (4) The Line Information Database (LIDB); and
- (5) Other databases necessary for the provision of ubiquitous service.

(b) An ILEC shall provide information necessary to maintain and update the following information in a timely and responsible manner:

- (1) Directory assistance;
- (2) The E911 database;
- (3) The toll-free 800 database;
- (4) The Line Information Database (LIDB); and
- (5) Other databases necessary for the provision of ubiquitous service.

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

Puc 418.09 Directory Obligations.

(a) An ILEC shall permit any carrier to list its customers' telephone numbers in the ILEC's published white and yellow pages telephone directory or directories.

(b) An ILEC shall provide subscriber listing information to publishers for the purpose of publishing telephone directories on a nondiscriminatory basis.

(c) An ILEC shall not publish or list numbers for which ~~CLECELECs~~ or ILECs request non-directory listed or non-published status.

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

PART Puc 419 ILEC RESALE

Puc 419.01 Resale Requirements.

(a) All ILEC, including an ILEC that operates as an ELEC, shall make its telecommunications services ~~shall be~~ available for purchase for resale by other telecommunications carriers, to the extent required by the federal Telecommunications Act, 47 U.S.C. § 251, and as limited by (b) below.

(b) The following restrictions on resale of retail services shall apply:

(1) ~~An~~ Such ILEC may prohibit an ~~ELEC~~ from offering, as resold services to non-residential customers, telecommunications services that the ILEC makes available only to residential customers or to a limited class of residential customers; and

(2) ~~An~~ Such ILEC shall not be required to apply a wholesale discount to special promotional rates that will be in effect for no more than 90 days.

(c) The commission shall determine just and reasonable wholesale discounts for non-exempt ILECs.

(d) If ~~an~~ such ILEC desires to make a telecommunications service available only to a limited group of customers that have purchased such a service in the past, in effect grandfathering the service, the ILEC shall:

(1) Demonstrate to the commission that the action is not anti-competitive; and

(2) Make the service available at existing resale rates to requesting carriers to offer on a resale basis to the same limited group of customers.

(e) Pricing for resale services shall be non-discriminatory.

(f) A non-exempt ILEC, including an ILEC that operates as an ELEC, shall maintain a resale tariff.

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

PART Puc 420 ILEC UNBUNDLING RULES

Puc 420.01 Unbundled Network Elements. A non-exempt ILEC, including a non-exempt ILEC that operates as an ELEC, shall maintain a wholesale tariff for available interconnection, services and unbundled network elements.

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

PART Puc 421 ILEC INTERCONNECTION

Puc 421.01 Provision of Interconnection.

(a) A non-exempt ILEC, including a non-exempt ILEC that operates as an ELEC, shall provide non-discriminatory interconnection at technically feasible points within the ILEC's network including, at a minimum:

(1) The line-side of a local switch;

(2) The trunk-side of a local switch;

(3) The trunk interconnection points for a tandem switch;

(4) Central office cross-connect points;

(5) Out-of-band-signaling transfer points necessary to exchange traffic at these points and access call-related databases; and

(6) Points of access to unbundled network elements.

(b) ~~An-Such~~ ILEC has the duty to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.

(c) ~~An-Such~~ ILEC shall not require physical collocation to achieve interconnection.

(d) The interconnection provided by ~~an-such~~ ILEC shall have a level of quality that is equal to that which the ILEC provides itself.

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

Puc 421.02 Terms and Conditions.

(a) The terms and conditions by which interconnection is provided by a non-exempt ILEC shall be offered:

(1) On a nondiscriminatory basis to all requesting ~~E~~ILECs; and

(2) At terms and conditions that are no less favorable than the terms and conditions the ILEC provides to itself.

(b) ~~An-Such~~ ILEC shall provide citations to necessary technical references to ~~E~~ILECs or ILECs who interconnect or seek to interconnect.

(c) ~~An-Such~~ ILEC shall not charge ~~an~~ ~~E~~ILEC for the cost and timely correction of violations of the National Electrical Safety Code, 2002 edition, and the National Electric Code as adopted by RSA 155-A:1, IV that are not a direct result of a ~~CLEC's-ELEC's~~ request to access poles, ducts, conduits, or rights of way.

(d) When ~~an-such~~ ILEC enters into an agreement for interconnection, services, or network elements pursuant to the Telecommunications Act-, 47 U.S.C. § 252, ~~of 1996~~, it shall file that agreement with the commission within 30 days.

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

Puc 421.03 Network Changes.

(a) Network changes made by ~~an-such~~ ILEC which affect existing interconnections shall be backwards compatible for 3 years from the introduction of the upgrade.

(b) At least 6 months prior to network changes which may affect existing or pending interconnections, ~~an-such~~ ILEC shall make available to affected ILECs and ~~E~~ILECs necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

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

PART Puc 422 ILEC EXTENDED AREA SERVICE

Puc 422.01 Definitions.

(a) "Billed customer" means a residential or business local service telephone customer of an ILEC characterized by receipt of a single telephone bill which may include billing of more than one telephone number and which can provide service for more than one occupant.

(b) "Two-way EAS" means local toll free calling to and from each of 2 exchanges.

Puc 422.02 Petition Requirements.

(a) Any interested party may petition the commission to modify an EAS by submitting:

- (1) A petition to the commission; and
- (2) A copy of the petition to the affected ILEC(s).

(b) A petition submitted pursuant to (a) above shall:

- (1) Request two-way EAS to a single additional exchange;
- (2) Be considered as a two-way proposal;
- (3) Be signed by 10% or more of the billed customers within the petitioning home exchange;
- (4) Include a description by NXX number of the EAS modification requested;
- (5) Include, together with each signature:

- a. The telephone number of the billed customer signing; or
- b. An indication that the signer's phone number is in the exchange proposing EAS, but that the phone number is unlisted;

(6) Certify that the following information has been disclosed to each billed customer signing in support of the petition, at the time of signing:

- a. A description of the proposed change to the EAS;
- b. That there might be an increase of the local service rate as a result of the EAS modification;
- c. That each customer signing is required to be a billed customer in the petitioning home exchange;
- d. The exchanges in the existing EAS;
- e. That one signature only shall be counted for each billed customer; and
- f. That the EAS petition is for two-way EAS;

(7) Include an affirmation by the petitioner, as follows:

"To the best of my knowledge and belief, (1) the signatures contained in the attached proposal to modify EAS are true and valid; (2) persons signing the proposal are billed customers in the exchange proposing expanded EAS; and (3) 1 signature only has been counted for each billed customer."; and

(8) Provide a statement as to whether billed customers in the petitioning exchange are able to call, without a toll charge, each of the following services:

- a. Relevant public schools;

- b. A general medical practitioner;
- c. A pharmacy;
- d. A banking facility;
- e. A central business area comprised of 12 or more businesses;
- f. An internet provider.

(c) Any petition submitted pursuant to (a) above shall not propose service or terms which a provider of local service cannot offer.

(d) If an interested party submits an EAS petition which complies with the requirements of Puc 422.02, the commission shall open a docket and evaluate the proposed EAS as described in Puc 422.03.

(e) If an interested party submits an EAS petition which does not comply with the requirements of this section, the commission shall respond pursuant to RSA 541-A:29.

(f) No person shall, for a period of 1 year following denial or final determination, submit to the commission an EAS petition for which the commission has issued a denial or final determination unless the petition is materially different.

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

Puc 422.03 Determination of Whether to Conduct a Hearing.

(a) In evaluating a proposed EAS, if the petitioning exchange is not able to call 3 or more of the services listed in Puc 422.02 (b)(8) without a toll charge, the commission shall order a hearing as described in Puc 422.05.

(b) In evaluating a proposed EAS, if the petitioning exchange is not able to call the area's public schools without a toll charge, then the commission shall order a hearing as described in Puc 422.05.

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

Puc 422.04 Traffic Study.

(a) If the petitioning exchange is able to call 3 or more of the services listed in Puc 422.02(b)(8) without a toll charge, the commission shall request a traffic study to determine whether a community of interest exists.

(b) The ILEC shall, within 60 days of a request from the commission, conduct a traffic study and provide to the commission the results of the traffic study.

(c) The traffic study shall demonstrate a community of interest sufficient to require a hearing as described in Puc 422.05 if calling from the petitioning exchange to the requested exchange shows:

- (1) An average of 5 or more calls per month per access line; and
- (2) That 40% of access lines make three or more calls per month.

(d) If the traffic study does not demonstrate a community of interest sufficient to require a hearing, then the petition shall be denied.

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

Puc 422.05 Hearings Before the Commission.

(a) When the commission conducts a hearing to evaluate an EAS petition, the commission shall determine whether to conduct a poll of the billed customers in the petitioning exchange and, if applicable, the requested exchange.

(b) In determining whether to conduct a poll of the billed customers of the relevant exchanges, the commission shall consider whether:

- (1) There is sufficient customer demand in the relevant exchange(s);
- (2) Enlarging the local calling area will jeopardize competition;
- (3) The proposal if granted would eliminate or decrease the need for municipal calling service;
- (4) The proposed EAS expansion would be consistent with state and federal law;
- (5) Local rates will increase as a result of the expansion; and
- (6) Other similar considerations exist consistent with (1) through (5) above.

(c) The commission shall conduct a poll of the billed customers of the affected exchanges if it determines, after considering the factors described in (b) above, that the change in EAS:

- (1) Is necessary to create an EAS which offers affordable rates;
- (2) Shall not jeopardize competition;
- (3) Is consistent with state and federal laws; and
- (4) Impacts positively on the affordability, accessibility and efficient delivery of services provided.

(d) The commission shall deny the petition if it determines, after considering the factors described in (b) above, that the change in EAS does not satisfy the conditions described in (c) above.

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

Puc 422.06 Determination of Rate Impact.

(a) In order to allow the commission to determine what, if any, increase in local rates would be necessary as a result of the proposed EAS expansion, the affected incumbent local exchange carrier(s) shall provide the commission, within 30 days of a commission request, the following information:

- (1) For ILECs whose local service rates are based on the number of exchange access lines in the local calling area the ILEC shall:
 - a. Determine the number of exchange access lines in the local calling area resulting from the proposed EAS expansion;
 - b. Identify the local service rate associated with the number of exchange access lines in the proposed local calling area; and
 - c. Calculate the rate impact for each affected customer.

- (2) For ILECs whose local service rates are not based on the number of lines in the local calling area the ILEC shall:

- a. Determine the number of exchange access lines in the local calling area resulting from the proposed EAS expansion; and
- b. Propose a local service rate consistent with the expanded local calling area.

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

Puc 422.07 Poll of Affected Exchanges.

- (a) When the commission or its designee conducts a poll of the petitioning and, if applicable, the requested exchanges, the poll shall be conducted within 2 months of the determination of the rate impact as determined above;
- (b) The poll shall include:
 - (1) Billed customers of the petitioning exchange; and
 - (2) The billed customers in the requested exchange if granting the proposed EAS expansion will result in an increase in local service rates in the requested exchange.
- (c) A ballot shall be provided for the billed customers to complete which shall:
 - (1) Explain that the billed customer may vote in favor of:
 - a. Leaving service as it is; or
 - b. Adding a specific exchange with the appropriate increase in the local service rate, if any;
 - (2) State the monthly increase, if any, to the grades of service in the petitioning exchange and, if applicable, in the requested exchange, which will result if the billed customers vote to approve the proposed EAS expansion; and
 - (3) State the date by which the billed customer shall return the completed ballot to the commission.

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

Puc 422.08 Results of Poll. The petition shall be granted if:

- (a) Votes are received from not fewer than 25% of the billed customers in the petitioning exchange; and
- (b) A simple majority of the billed customers in the petitioning exchange and requested exchange, if applicable, responding to the poll, after combining all votes, vote in favor of the EAS proposal.

PART Puc 423 - Puc 428 - RESERVED

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

PART Puc 429 ILEC FORMS

Puc 429.01 Availability of Forms.

- (a) ~~(a)~~ — All commission forms shall be available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

(b) Forms may be submitted electronically, but an ILEC must comply with Puc 200 regarding filing requirements.

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

Puc 429.02 Form ILEC-1 Contact Information.

(a) On the "Contact Information" form, required by Puc 411.04, the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's complete mailing address;
- (4) The ILEC's telephone and fax numbers;
- (5) The ILEC's email address;
- (6) The ILEC's internet address, if the ILEC maintains a website.
- (7) The ILEC's federal employer identification number (FEIN);
- (8) The ILEC's toll-free number, fax number and email address for customer service;
- (9) The ILEC's toll-free number, fax number and email address for repair service;
- (10) The hours of operation for customer service and repair service;
- (11) An indication of whether the ILEC wishes to receive reports and reminders via email;
- (12) The names and titles of the principal officers of the ILEC;
- (13) The printed name and title of the signatory; and
- (14) The current date.

(b) On the "Contact Information" form the ILEC shall include contact information for the following individuals:

- (1) The person responsible for preparing the annual report;
- (2) The person responsible for regulatory matters;
- (3) The person that the commission's consumer affairs division shall call regarding consumer complaints from customers;
- (4) The director of the ILEC's customer service department;
- (5) The officer responsible for customer service; and
- (6) The person responsible for paying assessment bills.

(c) Contact information for each individual identified in (b) above shall consist of:

- (1) The name and title;
- (2) The complete mailing address;

(3) The telephone and fax numbers; and

(4) The email address.

(d) The ILEC shall attach a copy of its escalation lists for network, provisioning, and interconnection issues.

(e) The authorized representative of the ILEC shall:

(1) ~~(1)~~ Sign and date the form; and

~~(2)~~—

~~(3)~~(2) ~~(2)~~ Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.03 Form ILEC-2 Assessment Report.

(a) On the "Assessment Report" required by Puc 411.03 the ILEC shall include:

(1) ~~(1)~~ The ILEC's legal name;

(2) ~~(2)~~ The trade name the ILEC uses with its customers;

(3) ~~(3)~~ The ILEC's FEIN;

(4) ~~(4)~~ Contact information for the person responsible for the information on the form, to include:

~~a.~~(5) The name and title;

~~b.~~(6) The mailing address;

~~c.~~(7) The telephone and fax numbers; and

~~d.~~(8) Email address;

~~(5)~~(9) ~~(5)~~ The calendar year that is the subject of the report;

~~(6)~~(10) ~~(6)~~ The printed name and title of the signatory; and

~~(7)~~(11) ~~(7)~~ The gross utility revenue derived from New Hampshire operations during the period.

(b) The authorized representative of the ILEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.04 Form ILEC-3 Annual Report.

(a) On the "Annual Report" required by Puc 415.01(b)(3) the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:

- a. The name and title;
- b. The mailing address;
- c. The telephone and fax numbers; and
- d. Email address; and

- (5) The calendar year that is the subject of the report.

(b) As part of the "Annual Report" the ILEC shall include the following schedules of information:

- (1) A complete history of the ILEC, on Schedule A-1, General Information;
- (2) A list of officers on Schedule A-2, List of Officers;
- (3) A list of directors on Schedule A-3, List of Directors;
- (4) A list of shareholders on Schedule A-4, Shareholders and Voting Powers, including:
 - a. Number of shares; and
 - b. Voting powers;
- (5) A description of service territory and exchanges on Schedule A-5, List of Exchanges Served Directly, including:
 - a. List of towns served; and
 - b. Number of customers;
- (6) Payment to individuals on Schedule A-6, Payments to Individuals, including:
 - a. Names and addresses of individuals; and
 - b. Amounts paid;
- (7) Management fees and expenses on Schedule A-7, Management Fees and Expenses, including:
 - a. Dates of contracts;
 - b. Amounts paid; and
 - c. Distribution of accruals or payments;
- (8) Important changes during the year on Schedule A-8, Important Changes During the Year, including:
 - a. Extensions of territory covered;
 - b. Purchase and sale of operating systems;
 - c. Details of sales, mergers and abandonments;

d. Estimated increase or decrease in annual revenues due to important rate changes;

e. Changes in articles of incorporation or amendments to charter; and

f. Reference to a previously filed map defining the territory, unless:

1. A map has not been previously filed;
2. There have been changes to the territory; or
3. The calendar year ends in “0” or “5”; and

(9) Financial disclosure on Schedule A-9, Financial Disclosure Reporting, that includes:

a. ~~a.~~ Data necessary to prevent the information from being misleading, such as:

1. Extraordinary or material, unusual or infrequently occurring items;
2. Significant principles or practices from those used in the prior year; and
3. The acquisition or disposition of significant operation, assets or liabilities.

b. ~~b.~~ Uncertainties that could affect the fairness of the information, including significant changes in the status of loss contingencies since the prior year; and

c. ~~c.~~ If revenues, costs, or expenses are accrued or deferred in a manner different from that of the prior year, the method used and the amount of such accruals or deferrals.

(c) As part of the “Annual Report” the ILEC shall include the following financial schedules:

- (1) The balance sheet at year end on Schedule F-10, Balance Sheet, showing assets, liabilities; and stockholders’ equity; and
- (2) An income statement on Schedule F-11, Income Statement, showing changes over the prior year.

(d) As part of the “Annual Report” the ILEC shall include the following schedules supporting balance sheet information:

(1) An analysis of telecommunications plant accounts on Schedule B-12A, Analysis of Telecommunications Plant Accounts, showing:

- a. Balances at beginning and end of year; and
- b. Current year charges and credits;

(2) An analysis of telecommunications plant-in service retired on Schedule B-12B, Analysis of Telecommunications Plant-In Service Retired, including:

- a. Accounts charged;
- b. Amounts charged or credited for plant sold with traffic; and
- c. Amounts charged or credited for other plant retired;

(3) An analysis of entries in property held for future telecommunications use on Schedule B-12C, Analysis of Entries in Property Held for Future Telecommunications Use – Account 2002, including:

~~d.~~

- a. Location and description of property;
- b. Date the property was recorded;
- c. Book cost;
- d. Additions and retirements during the year; and
- e. Transfers and adjustments during the year;

(4) An analysis of capital leases on Schedule B-12D, Capital Leases, listing for each lease:

- a. The type of property;
- b. Present value of the lease;
- c. Accumulated amortization;
- d. Net book value at the end of the period;
- e. Amount to be paid in the coming year;
- f. The long-term portion of the obligation;
- g. Amount charged to amortization during the year; and
- h. Interest paid during the year;

(5) An analysis of telecommunications plant acquired on Schedule B-13A, Analysis of Telecommunications Plant Acquired – Account 1439, showing for each acquisition:

- a. ~~a.~~ The vendor name;
- b. ~~b.~~ Debits posted to:
 - 1. Purchase price;
 - 2. Reserve requirement;
 - 3. Acquisitions expense; and
 - 4. Other accounts;
- c. ~~c.~~ Credits posted to:
 - 1. Telecommunications plant in-service;
 - 2. Telecommunications plant adjustment;
 - 3. Credits during the year; and
- d. ~~d.~~ Beginning and ending balances;

(6) An analysis of telecommunications plant purchased from or sold to affiliates on Schedule B-13B, Analysis of Telecommunications Plant Purchased from or Sold to Affiliates, including for each purchase:

- a. The affiliate name;
- b. Whether the transaction was a purchase or sale;

- c. Original cost;
- d. Net book value;
- e. Fair market value;
- f. Purchase price; and
- g. Sale price;

(7) An analysis of entries in accumulated depreciation by plant account on Schedule B-14A, Analysis of Entries in Accumulated Depreciation – Accounts 3100 and 3200, including for each entry:

- a. ~~a.~~ Beginning and ending balances;
- b. ~~b.~~ Credits to accumulated depreciation from;
 - 1. Depreciation expense; and
 - 2. Other credits;
- c. ~~c.~~ Charges to accumulated depreciation from:
 - 1. Sale of plant with traffic;
 - 2. Retirement of other plant; and
 - 3. Other;
- d. ~~d.~~ Data relating to sale of plant with traffic, including:
 - 1. Book cost;
 - 2. Selling price;
 - 3. Commission and other expenses; and
 - 4. Charge to reserves;
- e. ~~e.~~ Data relating to sale of other plant, including:
 - 1. Charge or credit to surplus;
 - 2. Book cost;
 - 3. Cost of removal;
 - 4. Salvage and insurance;
 - 5. Miscellaneous adjustments; and
 - ~~1.~~
 - ~~2-6.~~ ~~6.~~ Charge to reserves;

(8) Basis of charges for depreciation on Schedule B-14B, Basis of Charges for Depreciation, for all subclass accounts for which a depreciation rate is determined, including:

- a. Whether the depreciation rate is based on whole life or remaining life;

- b. Asset life in years;
- c. Net salvage as a percentage of original cost;
- d. Accumulated depreciation as a percentage of original cost;
- e. Prescribed depreciation rate; and
- f. Ratio of depreciation charges to average monthly book cost;

(9) An analysis of entries in accumulated amortization, on Schedule B-15, Analysis of Entries in Accumulated Amortization – Accounts 3410, 3420, 3500, and 3600, showing for each account:

- a. Additions during the year;
- b. Clearances during the year; and
- c. Basis of annual amortization charges;

(10) A statement of cash flows on Schedule B-16, Statement of Cash Flows, showing:

- a. Cash flows from operating activities;
- b. Cash flows from financing activities;
- c. Cash flows from investing activities;
- d. Net increase or decrease in cash; and
- e. Cash at beginning and end of calendar year;

(11) A schedule of receivables and investments with related companies on Schedule B-17, Receivables and Investments – Affiliated and Nonaffiliated Companies as follows;

- a. “Nonaffiliated” means a company for which the ILEC has an ownership interest, but the relationship does not meet the definition of affiliate, as set out in the USOA.
- b. The schedule shall show:
 - 1. ~~1.~~ For investments and receivables with affiliated companies:
 - (i) The name of the affiliate company; and
 - (ii) The year end balances of the receivables and investments with that company, entered in the proper account classifications; and
 - 2. ~~2.~~ For investments and receivables with nonaffiliated companies the year end total of receivables and investments, entered in the proper account classifications;

(12) Other prepayment balances on Schedule B-18, Other Prepayments – Account 1330, showing:

- a. A description for each prepayment item; and
- b. The balance at year end;

(13) Other current asset balances on Schedule B-19, Other Current Assets – Account 1350, showing:

- a. A description for each item in the other current assets account; and

- b. The balance at year end;

(14) A schedule of sinking funds on Schedule B-20, Sinking Funds – Account 1408, listing for each fund:

- a. The balance at year end;
- b. For withdrawals that were for purposes other than those for which the fund was created, an explanation for the withdrawal;
- c. If the trustee is an associated company, the name of the company; and
- d. A list of each security or other asset which comprises non-cash assets, providing:
 - 1. A description of the security or asset; and
 - 2. If the fund is comprised of assets other than cash, provide a list of each asset in the fund showing:
 - (i) When applicable, the interest or dividend rate;
 - (ii) The cost;
 - (iii) When applicable, the number of shares or principal amount; and
 - (iv) The balance at year end;.

(15) Non-current assets on Schedule B-21, Other Non-current Assets – Account 1410, with listing the following for each item in the account:

- a. A description; and
- b. The balance at year end;

(16) Deferred charges on Schedule B-22, Deferred Charges – Account 1438 and 1439, listing for each account:

- a. ~~a.~~ For charges of \$500 or more:
 - ~~1-b.~~ A description of the charge; and
 - ~~2-c.~~ The balance at year end.
- ~~b-d.~~ ~~b.~~ For charges less than \$500, the total of those charges;

(17) Unamortized debt issuance expense on Schedule B-23, Unamortized Debt Issuance Expense – Account 1407, showing for each item:

- a. ~~a.~~ Principal amount;
- b. ~~b.~~ Debt issuance expenses;
- c. ~~c.~~ Beginning and ending balances;
- d. ~~d.~~ The start and end of the amortization period;
- e. ~~e.~~ Entries posted to:
 - 1. Debt issuance expense; and

2. Amortization of debt issuance expense; and

- f. ~~f.~~ For entries other than amortization posted to the amortization of debt issuance expense account, an explanation the entry;

(18) Long-term debt on Schedule B-24, Long-Term Debt - Accounts 4210, 4260, and 4270, showing for each obligation in the account:

- a. A description;
- b. Dates of issuance and maturity;
- c. Face amount;
- d. Unamortized premium;
- e. Stated interest rate; and
- f. Interest charged to interest on funded debt account during the year;

(19) Notes payable on Schedule B-25 – Account 4020, Notes Payable, listing for each obligation:

- a. The creditor's name;
- b. Whether the creditor is an affiliate or is nonaffiliated;
- c. Description of the type of indebtedness, for example a note or draft;
- d. Dates of issuance and maturity;
- e. Balance at year end;
- f. Interest rate, and
- g. Interest expensed during the year;

(20) Accounts payable on Schedule B-26, Accounts Payable - Accounts 4010, 4120 and 4130, with a separate list for each account showing:

- a. ~~a.~~ For each of the 9 largest creditors with amounts owed exceeding \$10,000:
 - 1. The name of the creditor; and
 - 2. The balance of the obligation at year end;
- b. ~~b.~~ For amounts owed to affiliated companies:
 - 1. The name of the affiliate; and
 - 2. The balance of the obligation;
- c. ~~c.~~ For obligations other than those in a and b above, the total balance of those obligations at year end;

(21) Other long term liabilities on Schedule B-29, Other Long-Term Liabilities – Account 4310, listing separately, with a description and year end balance:

- a. Each item with balances equal to or greater than \$10,000; and

- b. The aggregate total of items with balances less than \$10,000;

(22) Other deferred credits on Schedule B-30-A, Other Deferred Credits - Account 4360, listing separately, with a description and year end balance:

- a. Each item with balances equal to or greater than \$10,000; and
- b. The aggregate total of items with balances less than \$10,000.

(23) Net deferred operating income taxes on Schedule B-30B, Net Deferred Operating Income Taxes - Accounts 4100 and 4340, showing:

- a. ~~a.~~ Property related deferred income taxes broken out by:
 - 1. Federal income taxes; and
 - 2. State and local income taxes; and
- b. ~~b.~~ Non property related deferred income taxes broken out by:
 - 1. Federal income taxes; and
 - 2. State and local income taxes.
 - 3. Beginning and end of year balances; and
 - 4. Current year accruals, amortization and adjustments;

(24) Net deferred non-operating income taxes on Schedule B-30C, Net Deferred Non-Operating Income Taxes - Accounts 4110 and 4350, showing:

- a. ~~a.~~ Property related deferred income taxes broken out by:
 - 1. Federal income taxes; and
 - 2. State and local income taxes; and
- b. ~~b.~~ Non property related deferred income taxes broken out by:
 - 1. Federal income taxes; and
 - 2. State and local income taxes.
 - 3. Beginning and end of year balances; and
 - 4. Current year accruals, amortization; and adjustments;

(25) Retained earnings on Schedule B-31, Retained Earnings - Account 4550, showing:

- a. Reserved balances, with beginning and end of year balances;
- b. Unreserved balances; with beginning and end of year balances;
- c. Net income or net loss for the year;
- d. Other increases and decreases;
- e. Dividends paid; and
- f. A total of all retained earnings items;

(26) Dividends declared on Schedule B-32, Dividends Declared - Account 4560, listed by:

- a. Classes of stock;
- b. Dates declared;
- c. Dates payable;
- d. Number of shares on which declared;
- e. Dividend per share;
- f. Amounts declared; and
- g. Amounts paid;

(27) Capital stock on Schedule B-33, Capital Stock, Additional Paid-in-Capital and Treasury Stock – Accounts 4510.1, 4510.2, 4520, 4530.1, 4530.2, listing:

- a. Classes of stock;
- b. Descriptions of stocks, indicating:
 - 1. Differences in voting rights;
 - 2. Preferences as to dividends or assets;
 - 3. Pledges;
 - 4. Par or stated value; and
 - 5. Any other pertinent details about the stock;

~~a.~~

- c. Book value of stock issued and outstanding;
- d. Additional paid-in capital;
- e. Number of shares of treasury stock; and
- f. Book value of treasury shares;

(e) As part of the “Annual Report” the ILEC shall include the following income schedules:

(1) Operating revenues on Schedule I-34, Operating Revenues, showing by account:

- a. Local network revenues;
- b. Network access services revenues;
- c. Long-distance network services revenues;
- d. Miscellaneous revenues;
- e. Uncollectible revenues; and
- f. Difference in revenue in comparison to preceding year;

(2) Explanations for changes in operating revenues, by account, on Schedule I-34A, Increase or Decrease in Operating Revenues, when:

- a. The account has a balance over \$500; and
- b. The percentage change from the prior year is equal to or greater than 10%;

(3) Operating expenses on Schedule I-35, Operating Expenses, showing current year balances and the change from the prior year, by account, for:

- a. Plant specific operations;
- b. Plant nonspecific operations;
- c. Customer operations; and
- d. Corporate operations;

(4) Explanations for changes in operating expense, by account, on Schedule I-35A, Increase or Decrease in Operating Expenses, when:

- a. The account has a balance over \$500; and
- b. The percentage change from the prior year is equal to or greater than 10%;

(5) Customer and corporate operations expenses on Schedule I-35B, Customer Operation Expense – Accounts 6610 and 6620 and Corporate Operations Expense – Accounts 6710 and 6720, listing by account:

- a. ~~a.~~ Current year amounts and the change over the prior year;
- ~~b.~~
- b. A breakdown by customer operations expense for marketing and services; and
- c. Corporate operations expense for:
 - 1. Executive and planning; and
 - 2. General and administrative;

(6) Other operating taxes on Schedule I-36A, Other Operating Taxes – Account 7240, showing tax expense by type and jurisdiction;

(7) Prepaid taxes and tax accruals on Schedule I-36B, Prepaid Taxes and Tax Accruals – Accounts 1300, 4070, and 4080, listing by tax type and jurisdiction:

- a. Balances for prepaid taxes, income taxes accrued, and other accrued taxes at beginning and end of year;
- b. Taxes expensed during the year, showing account charged and amount;
- c. Taxes paid during the year; and
- d. Adjustments during the year;

(8) Non-operating taxes on Schedule I-36C, Non-Operating Taxes, with a breakdown for each non-operating tax account for the following jurisdictions:

- a. Federal;
- b. State;
- c. Local; and

d. Other;

(9) Extraordinary items on Schedule I-36D, Extraordinary Items - Accounts 7610, 7620, 7630, and 7640, showing:

- a. ~~a.~~ A net amount for extraordinary items based on the difference between:
 - 1. Extraordinary income credits; and
 - 2. Extraordinary income charges;
- b. b. Each transaction affecting extraordinary items properly classified as extraordinary income credits or extraordinary income charges, with the following detail:
- c. ~~c.~~ Description of the transaction;
- d. ~~d.~~ Gross amount;
- e. ~~e.~~ The effect on current income taxes;
- f. ~~f.~~ The effect on deferred income taxes; and
- g. ~~g.~~ Reference to:

~~1.~~

- 1. Commission approval for extraordinary treatment of the item; and
- 2. Date of commission approval;

(10) Non-operating income and expense on Schedule I-37, Non-Operating Income and Expense – Account 7300, showing each account comprising the total of non-operating income and expenses, with each account's respective current year amount for:

- a. Current year; and
- b. Change from the prior year;

(11) Other operating income and expenses on Schedule I-38, Other Operating Income and Expense – Account 7100, showing each account comprising the total of other operating income taxes, with each account's respective amount for:

- a. Current year; and
- b. Change from the prior year;

(12) Expenses attributable to formal regulatory cases before federal, state, and other regulatory commissions on Schedule I-39, Special Expenses Attributable to Formal Regulatory Cases, including:

- a. A complete description of the regulation, hearing or case;
- b. Special assessments by regulatory commissions;
- c. Fees, retainers, and other billed items; and
- d. Incremental payroll costs and directly associated expenses, exclusive of c above;

(13) Advertising and external relations expenses on Schedule I-40, Advertising, showing by amounts expensed during the year for the following accounts:

- a. Product advertising;
- b. External advertising;
- c. Special charges; and
- d. Other charges other than those in a. through c. above, with the following for each entry:
 1. Account number; and
 2. Account title;

(14) Payments of \$10,000 or more for services received from affiliates on Schedule I-41, General Services and Licenses, including:

- a. Name of affiliate;
- b. Service provided, and
- c. Amount paid;

(15) Membership fees and dues on Schedule I-42, Membership Fees and Dues, providing:

- a. ~~a-~~A breakdown of amounts charged to:
 1. Operating expenses; and
 2. Special charges.
- b. ~~b-~~An entry for each type of organization, showing for each entry:
 1. The number of organizations;
 2. The number of memberships; and
 3. The amount paid during the year;

(16) Donations or payments of \$5,000 or more to persons other than employees on Schedule I43, Donations or Payments for Services Rendered by Persons Other Than Employees, including:

- a. Name of recipient;
- b. Nature of service; and
- c. Amount of payment;

(f) As part of the "Annual Report" the ILEC shall include the following plant and equipment schedules:

(1) Statistics for the count of switches and number access lines on Schedule S-1, Switches and Access Lines in Service, providing data for the following:

- a. Switches, showing:
 1. The following switch classifications:
 - (i) Central office switch; and
 - (ii) Primary switch;

2. For each classification in 1 above, the number of switches at year end classified as:

- (i) Electronic;
- (ii) Digital; or
- (iii) Main access lines, further broken down as:
 - i. Analog; or
 - ii. Digital;

3. The exchange served by each central office switch;

b. Access lines, showing:

1. The following customer type categories:

~~iii.~~—

~~(i)~~i. Residential;

~~(ii)~~ii. Business; and

~~(iii)~~iii. Other;

2. For each customer type in 1 above, the number of lines at year end for the following line types:

~~(i)~~i. Analog; and

~~(ii)~~ii. Digital.

(2) Statistics on outside plant related to distribution and feeder on Schedule S-2, Outside Plant Statistics – Distribution and Feeder, showing year end amounts for:

a. Miles of aerial wire;

b. Miles of cable, broken down by:

1. The following cable classifications:

~~(i)~~i. Aerial;

~~(ii)~~ii. Underground;

~~(iii)~~iii. Buried;

~~(iv)~~iv. Submarine; and

~~(v)~~v. Distribution or feeder;

2. For each classification in b.1.i. through iv. above, a further breakdown into the following cable types:

~~(i)~~i. Copper; and

~~(ii)~~ii. Fiber;

3. For distribution or feeder cable in b.1.v. above, a further breakdown into the following cable types:

- ~~(i)~~i. Copper;
- ~~(ii)~~ii. Fiber lit sheath; and
- ~~(iii)~~iii. Fiber deployed sheath;

c. Number of poles; and

d. Miles of underground conduit, showing:

- ~~1.~~ 1. Trench miles; and
- ~~2.~~ 2. Duct miles;

(3) Statistics for outside plant related to for interoffice on Schedule S-3, Outside Plant Statistics – Interoffice, showing year end amounts for:

a. Miles of aerial wire;

b. Miles of cable, broken down by:

1. The following cable classifications:

- ~~(i)~~i. Aerial;
- ~~(ii)~~ii. Underground;
- ~~(iii)~~iii. Buried;
- ~~(iv)~~iv. Submarine; and
- ~~(v)~~v. Distribution or feeder;

2. For each classification in b.1.(i) though (iv) above, a further breakdown into the following cable types:

- ~~(i)~~i. Copper; and
- ~~(ii)~~ii. Fiber;

3. For distribution or feeder cable in b.1.(v) above, a further breakdown into the following cable types:

- ~~(i)~~i. Copper
- ~~(ii)~~ii. Fiber lit sheath; and
- ~~(iii)~~iii. Fiber deployed sheath;

c. Number of poles; and

d. Miles of underground conduit, showing:

- ~~1.~~ 1. Trench miles; and
- ~~2.~~ 2. Duct miles;

(4) Pension cost data on Schedule S-4, Pension Cost, showing: a. Current year and prior year amounts for:

- ~~1.a.~~ Accumulated benefit obligation;
- ~~2.b.~~ Projected benefit obligation;
- ~~3.c.~~ Fair value of plan assets;
- ~~4.d.~~ Expected long-term return on assets;
- ~~5.e.~~ Net periodic pension costs, which requires showing:
 - ~~1.~~
 - ~~(i)~~ 1. A description of the cost; and
 - ~~(ii)~~ 2. The amount of the cost.
- ~~6.f.~~ Minimum required contribution;
- ~~7.g.~~ Actual contribution;
- ~~8.h.~~ Maximum amount deductible; and
- ~~9.i.~~ Benefits payable;

(g) The “Annual Report” shall include certification of all of the information submitted on or with the report, containing:

- (1) A notary seal that has been made:
 - a. Under oath;
 - 1. By the company’s president or chief officer; and
 - 2. By the company’s treasurer or other officer in charge of accounts;
- (2) Includes attestations, by each person, referred to in (1)a.1.. and 2. above, that the information contained in the annual report:
 - a. Has been prepared under my direction;
 - b. The information has been carefully examined and reviewed by me;
 - c. Is accurate to the best of my knowledge; and
 - d. Provides an accurate statement of the position of the company;
- (3) Signatures of each individual, referred to in (1)a.1. and 2. above; and
- (4) Printed names and titles of the individuals in (3). above.

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

~~Puc 429.05 Form ILEC 4 Quality of Service Report.~~

~~(a) On the “Quality of Service Report” required by Puc 411.06 the ILEC shall include:~~

- ~~(1) The ILEC’s legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~
- ~~(3) The ILEC’s FEIN;~~

~~(4) Contact information for the person responsible for the information on the form, to include:~~

- ~~a. The name and title;~~
- ~~b. The mailing address;~~
- ~~c. The telephone and fax numbers; and~~
- ~~d. Email address;~~

~~(5) The calendar year that is the subject of the report; and~~

~~(6) The printed name and title of the signatory.~~

~~(b) On the "Quality of Service Report" the ILEC shall include information regarding the installation of plain old telephone service (POTS) that indicates:~~

- ~~(1) The average number of days between date of request for service and installation of service; and~~
- ~~(2) The percentage of installation appointments which the ILEC failed to keep.~~

~~(c) As part of the "Quality of Service Report" the ILEC shall include a narrative explanation of any special circumstances and exceptions reflected in the service installation data reported by the ILEC.~~

~~(d) On the "Quality of Service Report" the ILEC shall include information regarding its repair service that indicates:~~

- ~~(1) The average answer time to connect caller to repair service operator;~~
- ~~(2) The percentage of calls to a repair number that are abandoned;~~
- ~~(3) The percentage of service outages lasting longer than 24 hours;~~
- ~~(4) The average length of repair time, which means the time elapsing from the time trouble is reported until the time trouble is cleared;~~
- ~~(5) The percentage of repair appointments which the ILEC failed to keep; and~~
- ~~(6) The average number of customer trouble reports per 100 access lines of the ILEC for the year.~~

~~(e) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 429.06 Form ILEC-5 Quality of Service Report Card.

(a) On the "Quality of Service Report Card" required by Puc 411.06 the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;

~~(3)~~ The ILEC's FEIN;

(3)

(4) ~~(4)~~ Contact information for the person responsible for the information on the form, to include:

- a. The name and title;
- b. The mailing address;
- c. The telephone and fax numbers; and
- d. Email address;

(5) The calendar year that is the subject of the report;

(6) The printed name and title of the signatory;

(7) A general description of the ILEC's business;

(8) A responsiveness score, representing the average number of days to complete an installation request, the percentage of installation appointments missed and the percentage of repair appointments missed;

(9) An accessibility score, representing the average answer time of a call to repair (in seconds) and the percentage of repair calls that are abandoned; and

(10) A reliability score, representing the percentage of service outages lasting longer than 24 hours and the average completion time for all repair requests (in hours).

(b) For each of the scores in (a) (8) through (10) above the ILEC shall include as part of the "Quality of Service Report" a narrative explanation of any special circumstances and exceptions reflected in the data reported by the ~~ILEC~~ ILEC.

(c) The authorized representative of the ILEC shall:

(11) Sign and date the form; and

(12) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.07 Form ILEC-6 Jurisdictional Separations Report.

(a) On the "Jurisdictional Separations Report" required by Puc 415.01(b)(6) the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;

(4) Contact information for the person responsible for the information on the form, to include:

~~(4)~~ a. ~~a.~~ The name and title;

~~a.~~

- b. The mailing address;
- c. The telephone and fax numbers; and
- d. Email address;

(5) The printed name and title of the signatory.

(b) As part of the "Jurisdictional Separations Report" the ILEC shall include a Schedule SR-1 Reconciliation of Trial Balance and Cost Study to Separated Results of New Hampshire Operations, including reconciliations of:

- (1) Revenues;
- (2) Expenses;
- (3) Plant balances;
- (4) Interstate switched access revenues;
- (5) Intrastate switched access revenues;
- (6) Operating expenses;
- (7) Operating taxes; and
- (8) Fixed charges;

(c) As part of the "Jurisdictional Separations Report" the ILEC shall include a Schedule SR-2 Separated Results of New Hampshire Operations, which shall include:

- (1) A summarized income statement;
- (2) A summarized Average rate base;
- (3) Plant in service detail;
- (4) Accumulated depreciation detail;
- (5) Operating expense detail; and
- (6) Operating tax detail.

(d) For each item included on Schedule SR-2, the ILEC shall include:

- (1) The account number;
- (2) A description;
- (3) Notes;
- (4) The line number;
- (5) The total New Hampshire operations; broken out into:
 - a. Interstate operations; including:

- 1. Messages (MSG) switched access;

2. Total private line services and special access; and
3. A total of 1. and 2. above.

b. Intrastate operations; including:

1. Messages;
2. Private lines;
3. Extended area services;
4. Local residential, business, and other lines; and
5. A total of 1. through 4. above.

(e) As part of the “Jurisdictional Separations Report” the ILEC shall include a Schedule SR-3, Separations Parameters which shall;

(1) Provide a calculation of ratios for:

- a. Exchange plant;
- b. Interexchange plant; and
- c. Other parameters.

(2) For each item in (1) above, include:

- a. A description;
- b. Note number;
- c. Line number; and
- d. Total NH Operations; and

(3) For each item in (2) above, include a breakdown by:

- a. Interstate toll;
- b. Intrastate operations, displaying:
 1. Toll;
 2. Extended area services; and
 3. Local or other.

(f) As part of the “Jurisdictional Separations Report” the ILEC shall include a Schedule SR-4, Notes to Separation Results of NH Operations, including:

- (1) Any note number(s); and
- (2) Comments.

(g) As part of the “Jurisdictional Separations Report” the ILEC shall include a Schedule SR-5 NH Intrastate Cash Working Capital Computation, showing the calculation of cash working capital, including intrastate amounts for:

- (1) Total operating expense;
- (2) Depreciation expense;
- (3) Amortization expense; and
- (4) Operating other taxes.

(h) As part of the "Jurisdictional Separations Report" the ILEC shall include a Schedule SR-6 Federal Income Tax and State Income Tax Calculation, providing a break out of taxes for total NH operations to:

- (1) Interstate operations, including:
 - a. Messages switched access;
 - b. Total private line services and special access; and
 - c. A total of 1. and 2. above; and
- (2) Intrastate Operations; including:
 - a. Messages;
 - b. Private lines;
 - c. Extended area services;
 - d. Local residential, business, and other lines; and
 - e. A total of 1 through 4 above.

(i) The ILEC shall attach supporting work papers for cost study and separation results of NH operations to include:

- (1) Revenue requirement summary;
- (2) Summary of net telephone plant, material and supplies and cash working capital;
- (3) Other telecommunications plant;
- (4) Central office equipment separations;
- (5) Information on origination or termination and cable and wire facility separations;
- (6) Other telephone plant and deferred charges;
- (7) Accumulated depreciation and amortization separations;
- (8) Summary of operating expense and tax;
- (9) Plant specific operating expense separations;
- ~~(10)~~ _____
- (10) Plant nonspecific operating expense separations;
- (11) Development of allocation ratios; and
- (12) Allocation factors.

(j) The authorized representative of the ILEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.08 Form ILEC-21 Report of Customer Troubles.

(a) On the "Report of Customer Troubles" required by Puc 411.06(d) the ILEC shall include:

(1) The ILEC's legal name;

(2) The trade name the ILEC uses with its customers;

(3) The ILEC's FEIN;

(4) Contact information for the person responsible for the information on the form, to include:

a. The name and title;

b. The mailing address;

c. The telephone and fax numbers; and

d. Email address;

(5) The printed name and title of the signatory;

(6) The month and year that is the subject of the report;

(7) The number of trouble reports made to the utility during the month;

(8) The number of troubles reported for which the utility was responsible;

(9) The number of troubles referred to another carrier for corrective action such as to an interexchange carrier;

(10) The total number of ILEC access lines in service for the month being reported; and

(11) The number of customer trouble reports per 100 access lines of the utility.

(b) The authorized representative of the ILEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.09 Form ILEC-22 Monthly Financial Report.

(a) On the "Monthly Financial Report" required by Puc 415.03(b) the ILEC shall include:

(1) The ILEC's legal name;

- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory; and
- (6) The month and year that is the subject of the report.

(b) As part of the "Monthly Financial Report" the ILEC shall include a summary of substantial changes and events impacting financial operation, on Schedule MR-1, Important Changes During the Quarter.

(c) As part of the "Monthly Financial Report" the ILEC shall include a summary of earnings, investment and return, on Schedule MR-2, Rolling 12 Months Intrastate Basis; with 12 months year to date amounts for:

- (1) Earnings;
- (2) Interest charged to construction;
- (3) Adjusted earnings;
- (4) Averages for the most recent 12 months ended for:
 - a. Investment;
 - b. Account 2003 Telecommunications Plant Under Construction-Short Term balance and Account 2004 Telecommunications Plant Under Construction-Long Term balance;
 - c. Account 2002 Property Held for Future Telecommunications Use balance; and
 - d. ~~d.~~ Account 4340 Net Non-current Deferred Operating Income Deferred Operating Income Taxes balance and Account 4350 Net Non-current Deferred Non-operating Income Taxes balance;
- (5) Calculated amounts for:
 - a. Investment;
 - b. Return on investment; and
- (6) Authorized return on investment.

(d) As part of the "Monthly Financial Report" the ILEC shall include a Schedule MR-3, Earnings Statement, showing current month amounts for combined operations and intrastate operations.

(e) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-4, Year to Date Earnings Statement, showing year-to-date amounts for combined operations and intrastate operations;

(f) As part of the "Monthly Financial Report," the ILEC shall include a Schedule MR-5, Earnings

Statement, showing amounts for 12 months ending for combined operations and intrastate operations;

(g) As part of the “Monthly Financial Report,” the ILEC shall include a Schedule MR-6, Summary of Investment showing:

- (1) Average amounts for investments in on combined operations and intrastate operations;
- (2) Average twelve months ended investment on combined operations and intrastate operations.

(h) As part of the “Monthly Financial Report,” the ILEC shall include a Schedule MR-7, Capital Structure, listing amounts, percentages, cost rates, and weighted cost rates for:

- (1) Long term debt;
- (2) Preferred stock; and
- (3) Common equity

(i) As part of the “Monthly Financial Report” the ILEC shall include a Schedule MR-8, Embedded Cost of Long-Term Debt listing:

- (1) Series;
- (2) Rate;
- (3) Issue date;
- (4) Maturity date;
- (5) Type;
- (6) Long-term maturities;
- (7) Current maturities;
- (8) Premium or discount;
- ~~(9)~~
- (9) Unamortized issuance expense;
- (10) Net proceeds;
- (11) Yield to maturity cost rate; and
- (12) Annual effective cost.

(j) As part of the “Monthly Financial Report” the ILEC shall include a Schedule MR-9, Detail of Accounts, listing marketing and customer services and expense of operations for:

- (1) Current month combined and intrastate amounts;
- (2) Twelve months ended combined and intrastate amounts;
- (3) Current month intrastate to combined percentage; and
- (4) Twelve months ended intrastate to combined percentage.

(k) As part of the “Monthly Financial Report” the ILEC shall include a Schedule MR-10, Balance Sheet, listing:

- (1) Plant accounts;
- (2) Capital leases and leasehold improvements;
- (3) Intangibles;
- (4) Accumulated depreciation and amortization; and
- (5) Each item in a through d above shall include:
 - a. Current month balance;
 - b. Change over prior month;
 - c. Change since December 31 of the prior year; and
 - d. Percentage increase over December 31 of the prior year.

(l) As part of the “Monthly Financial Report” the ILEC shall include a Schedule MR-11 Revenue Trial Balance by interstate, intrastate and nonregulated; showing by account:

- (1) Current month revenue for:
 - a. Interstate;
 - b. Intrastate;
 - c. Non regulated; and
 - d. Total;
- (2) Year-to-date amounts for:
 - e. ~~a.~~ Interstate;
 - ~~f.~~—
 - ~~b.f.~~ Intrastate;
 - ~~e.g.~~— Non regulated; and
 - ~~d.h.~~— Total.

(m) As part of the “Monthly Financial Report,” the ILEC shall include a Schedule MR-12 Income Statement showing by account, amounts for:

- (1) Current month;
- (2) Increase over last month;
- (3) Year-to-date; and
- (4) Changes and percentages for:
 - a. Current month from prior month; and
 - b. Current year-to-date from prior year-to-date.

(n) The authorized representative of the ILEC shall:

- (1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.10 Form ILEC 23 Quarterly Financial Report.

~~(a) On the "Quarterly Financial Report" required by Puc 415.02 the ILEC shall include:~~

- ~~(1) The ILEC's legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~
- ~~(3) The ILEC's FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~
- ~~(5) The printed name and title of the signatory;~~
- ~~(6) The quarter and year that is the subject of the report.~~

~~(b) As part of the "Quarterly Financial Report" the ILEC shall include a Schedule QR 1 Balance Sheet listing for each asset, liability, and equity account, the amounts for:~~

- ~~(1) The current quarter;~~
- ~~(2) The prior year equivalent quarter; and~~
- ~~(3) The prior year account balance as of December 31.~~

~~(c) As part of the "Quarterly Financial Report" the ILEC shall include a Schedule QR 2 Income Statement summarizing, for each operating revenue and expense account, the amounts for:~~

- ~~(1) The current quarter;~~
- ~~(2) The prior year quarter;~~
- ~~(3) The difference between current quarter over prior year quarter;~~
- ~~(4) The percentage change between current quarter over quarter of prior year;~~
- ~~(5) The current year to date balance;~~
- ~~(6) The prior year to date balance;~~
- ~~(7) The difference between current year to date over prior year to date; and~~
- ~~(8) The percentage change between current year to date over prior year to date.~~

~~(d) As part of the "Quarterly Financial Report" the ILEC shall include a Schedule QR 3 Statement of~~

~~Retained Earnings reconciling the change in retained earnings balance from the beginning of the quarter to the end of the quarter and providing for each:~~

- ~~(1) A description of account activity;~~
- ~~(2) Beginning and ending balances; and~~
- ~~(3) Increases and decreases during the quarter.~~

~~(e) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 429.11 Form ILEC-30 Utility Accident Report.

(a) On the "Utility Accident Report" required by Puc 411.08(d) the ILEC shall include:

- (1) The ILEC's legal name;
- (2) The trade name the ILEC uses with its customers;
- (3) ~~(3)~~ The ILEC's FEIN;
- (4) ~~(4)~~ Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) ~~(5)~~ The printed name and title of the signatory;
- (6) ~~(6)~~ A designation as to whether the report is a 10 day report, a supplemental report, a negative report or a quarterly report; and
- (7) ~~(7)~~ The report number and date of the report.

(b) The ILEC shall report information regarding reportable accidents including:

- (1) The date of the accident;
- (2) The location of the accident;
- (3) An indication of whether the accident resulted in a significant service outage;
- (4) A description of the cause of the accident;
- (5) A description of the extent of any property damage;

- (6) The name of any injured person;
- (7) The injured person's relationship to the utility, if any;
- (8) A description of the nature of injuries;
- (9) An indication of whether any injury was fatal;
- (10) The date of death of any person, if applicable;
- (11) A previous report number, if applicable;
- (12) An indication of whether the accident involved electric contact;
- (13) An indication of whether any pole involved in the accident was licensed and properly located; and
- (14) An indication of whether any pole anchor involved in the accident was licensed and properly located.

(c) In the event the ILEC answers negatively to (b) (13) or (14) above, the ILEC shall provide:

- (1) ~~(1)~~ A copy of the relevant pole license; and
- (2) A diagram showing the locations of the pole or anchor(s) as they are licensed and as they are actually located.

(d) The ILEC shall attach the following:

- (1) A diagram of the accident;
- (2) A police report of the accident, if available; and
- (3) A doctor's report on any injured person, if available.

(e) The authorized representative of the ILEC shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 429.12 Form ILEC 31 Petition for Authority to Issue Securities.

~~(a) On the "Petition for Authority to Issue Securities" required by Puc 415.04(a)(3) the ILEC shall include:~~

- ~~(1) The ILEC's legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~
- ~~(3) The ILEC's FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:~~

- ~~a. The name and title;~~
- ~~b. The mailing address;~~
- ~~c. The telephone and fax numbers; and~~
- ~~d. Email address;~~

~~(5) The printed name and title of the signatory; and~~

~~(6) A list of attached exhibits, as described in (c) below.~~

~~(b) The ILEC shall attach to Form ILEC 31 the following items:~~

~~(1) A petition for authority to issue securities including;~~

- ~~a. A description of authorized and outstanding long term debt and capital stock;~~
- ~~b. The amount of short term notes outstanding;~~
- ~~c. A description of new securities;~~

~~d. A description of what proceeds will be used for; and~~

~~e. The petitioner's prayer asking for the relief requested.~~

~~(2) A statement in reasonable detail of any proposed additions, construction or working capital requirements together with any proposed construction budget;~~

~~(3) Testimony by a qualified person that:~~

- ~~a. Explains the purpose of the financing;~~
- ~~b. Shows the affect of the financing on the company's financial rating(s);~~
- ~~c. Provides the proposed method of issuance and sale of the securities; and~~
- ~~d. Indicates how the financing will be consistent with the public good, pursuant to RSA 369:1.~~

~~(c) The ILEC shall include the following exhibits:~~

~~(1) Exhibit 1, "Authorized and Outstanding Long Term Debt," detailing each of the company's long term debts in tabular format, with the following for each:~~

- ~~a. The type of debt;~~
- ~~b. If applicable, the coupon rate;~~
- ~~c. Issue and maturity dates;~~
- ~~d. Amount outstanding; and~~
- ~~e. If applicable, call prices on the start date and end date of the issue period of the proposed financing.~~

~~(2) Exhibit 2, "Authorized and Outstanding Capital Stock," providing a description of each type of outstanding stock;~~

~~(3) Exhibit 3, "Capital Expenditures," listing for the entire company and for New Hampshire:~~

- ~~a. A breakdown of capital expenditures made during the most recent calendar; and~~
- ~~b. An estimate of capital expenditures for the current calendar year.~~

~~(4) Exhibit 4, "Estimated Cost of Financing," listing each cost associated with issuing the securities;~~

~~(5) Exhibit 5, "Proforma Balance Sheet," providing a balance sheet for the most recent calendar year, adjusted for the affects of the proposed financing, with columns showing:~~

- ~~a. Balance sheet amounts for the most recent year;~~
- ~~b. Proforma adjustments resulting from the proposed financing; and~~
- ~~c. Totals of the balance sheet amounts and the proforma adjustments in b. above.~~

~~(6) Exhibit 6, "Proforma Income Statement," providing an income statement for the most recent calendar year, adjusted for the affects of the proposed financing, with columns showing:~~

- ~~a. Income statement amounts for the most recent year;~~
- ~~b. Proforma adjustments resulting from the proposed financing; and~~
- ~~c. Totals of the income statement amounts and the proforma adjustments in 0 above.~~

~~(7) Exhibit 7, "Proforma Adjustments to Balance Sheet and Income Statement," listing proforma adjustments to the balance sheets and income statements of each calendar year that the proposed securities could be issued:~~

~~(8) Exhibit 8, "Source and Application of Funds and Capitalization" showing for the most recent calendar year:~~

- ~~a. Cash flows from operations, investing activities, and financing activities, adjusted for the affects of the proposed financing; and~~
- ~~b. A schedule of the company's capital structure that includes the affects of the proposed financing.~~

~~(9) Exhibit 9, "Terms and Conditions of Proposed Securities," listing the terms and conditions of each proposed security;~~

~~(10) If applicable, Exhibit 10, "Purchase and Sale Agreement and Commitment Letter," containing copies of:~~

- ~~a. Purchase and sale agreement(s) associated with the financing; and~~
- ~~b. Letter(s) of commitment from lender(s) that the company is approved for the financing; and~~

~~(11) If applicable, Exhibit 11, "Proposed Promissory Note and/or Mortgage" providing a copy of any promissory note or mortgage agreement associated with the financing.~~

~~(d) The authorized representative of the ILEC shall:~~

~~(1) Sign and date the form; and~~

~~(2) Certify by signature that:~~

- ~~a. The information on the form is true and correct to the best of the individual's knowledge and~~

belief, subject to the penalty for making unsworn false statements under RSA 641:3; and

b. ~~The petitioner utility company believes and, therefore, alleges that the securities to be issued will be consistent with the public good and that it is entitled to issue said securities under RSA 369 for the purposes set forth in its petition.~~

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

Puc 429.13 Form ILEC-32 Report of Proposed Fixed Capital Expenditures.

~~(a) On the “Report of Proposed Fixed Capital Expenditures” required by Puc 415.04(a)(4) the ILEC shall include:~~

- ~~(1) The ILEC’s legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~
- ~~(3) The ILEC’s FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~~~
- ~~(5) The printed name and title of the signatory;~~
- ~~(6) The year that is the subject of the report;~~
- ~~(7) The date of the report;~~
- ~~(8) The report and sheet number;~~
- ~~(9) The item number;~~
- ~~(10) The location of the proposed expenditure;~~
- ~~(11) A description of the proposed addition, extension or capital improvement;~~
- ~~(12) The estimated start and finish dates of construction; and~~
- ~~(13) The estimated cost of each element of the proposed addition.~~

~~(b) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual’s knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

Source. #8348, eff 5-10-05 (See Revision Note at chapter

Puc 429.14 Form ILEC-33 Report of Proposed Changes in Depreciation Rates.

~~(a) On the “Report of Proposed Changes in Depreciation Rates” required by Puc 415.04(a)(5) the ILEC shall include:~~

- ~~(1) The ILEC’s legal name;~~
- ~~(2) The trade name the ILEC uses with its customers;~~

~~(3) The ILEC’s FEIN;~~

~~(4) Contact information for the person responsible for the information on the form, to include:~~

- ~~a. The name and title;~~
- ~~b. The mailing address;~~
- ~~c. The telephone and fax numbers; and~~
- ~~d. Email address;~~

~~(5) The printed name and title of the signatory;~~

~~(6) The date;~~

~~(7) The account number and title;~~

~~(8) The estimated life, both present and proposed, in years;~~

~~(9) The net salvage, both present and proposed, in percentages;~~

~~(10) The depreciation rate, both present and proposed, by percentage;~~

~~(11) The net annual change in dollars; and~~

~~(12) The justification.~~

~~(b) The ILEC shall attach any supporting documentation.~~

~~(c) The authorized representative of the ILEC shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual’s knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 429.15 Form ILEC-38 Service Outage Report.

(a) ~~(a)~~ On the “Service Outage Report” required by Puc 411.07 the ILEC shall include:

- (1) The ILEC’s legal name;

- (2) The trade name the ILEC uses with its customers;
- (3) The ILEC's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - ~~a.~~
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory;
- (6) The report number;
- (7) The date;
- (8) The date and time of the outage;
- (9) The location of the outage;
- (10) Whether an entire exchange was affected;
- (11) The number of affected access lines;
- (12) The cause of the outage;
- (13) The date and time service was restored;
- (14) The name of the person contacted at the commission; and
- (15) The date and time the commission was contacted.

(15) (b) The authorized representative of the ILEC shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

PART Puc 430 ~~COMPETITIVE-EXCEPTED~~ LOCAL EXCHANGE CARRIERS (~~E~~CELECS)

Puc 430.01 Purpose. The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for ~~CLECELECS~~ in order to enable ~~CLECELECS~~ to provide competitive telecommunications services and to comply with relevant statutes and commission orders.

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

Puc 430.02 Application of Rules.

- (a) ~~CLECELECS~~ shall comply with the provisions of Puc 430 through 449.

(b) In addition to (a) above, the following commission rules shall apply to all ~~CLECELEC~~s:

(1) Puc 102, relative to definition of terms;

(2) Puc 200, procedural rules;

~~(3)~~

(3) Puc 402, relative to definitions of terms; and

(4) Puc 800, underground utility damage protection program; ~~and~~

~~Puc 1200, uniform administration of utility customer relations.~~

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

Puc 430.03 Definitions:

~~(a) "Advance billing" means billing an end user such that the payment for a service would be due before the service is provided. Advance billing does not apply to pre-payment of installation charges.~~

~~(b) "Facilities-based CLEC" means a CLEC which owns, controls, operates, or manages conduits, ducts, poles, wires, cables, instruments, switches, appurtenances or other plant or equipment in connection with or to facilitate local telecommunications.~~

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

PART Puc 431 ~~CLECELEC~~ REGULATORY REQUIREMENTS

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 an ~~CLECELEC~~.

(b) Before commencing operations as a ~~CLECELEC~~ in New Hampshire the entity proposing to provide ~~CLECELEC~~ service shall register with the commission and receive its ~~CLECELEC~~ Authorization Number.

~~a.~~ (c) To register with the commission a ~~CLECELEC~~ shall file:

~~b.~~ ~~(1) A~~ (1) a completed Form ~~CLECELEC~~-10 Application for Registration, described in Puc 449.07, ~~which including the following attachments:~~

~~e.~~ ~~A~~ a completed Form ~~CLECELEC~~-1 Contact Information;

~~Evidence of a surety bond pursuant to Puc 431.04 if applicable;~~

~~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~~

~~A rate schedule pursuant to Puc 431.06.~~

(2) In addition to the preceding requirements, an applicant seeking to provide service within the local exchange service territory of an Exempt ILEC shall also certify and provide evidence that it:

(A) will provide basic service, as defined in Section Puc 402.05, on a timely basis throughout the local exchange service territory of the Exempt ILEC to all customers making a reasonable request for service, either using its own facilities or a combination of its own facilities and resale of another carrier's services; and

(B) will not at any time oppose any commission request to the Federal Communications Commission, pursuant to 47 U.S.C. § 251(h)(2), that the applicant be treated as the ILEC within the local exchange service territory of an Exempt ILEC.

(d) Unless the commission denies an application for CLECELEC registration pursuant to Puc 431.02, it shall issue a CLECELEC authorization number which authorizes the applicant to provide competitive local exchange service in the requested territory ~~of non-exempt ILECs~~.

(e) An CLECELEC authorized prior to the effective date of these rules shall use the commission's order number granting it authority to operate as a CLECELEC as its authorization number.

(f) Any authorization number obtained by an CLECELEC under this part shall be non-transferable.

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

Puc 431.02 Denial of Registration.

(a) The commission shall deny an application for registration if it determines that the applicant or its general partners, corporate officers, director of the company, limited liability company managers or officers:

(1) Have committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 431.19;

(2) Have, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;

(3) Knowingly made a material false statement of fact in the application;

(4) Demonstrated on its application such flagrant or repeated violations of the requirements to operate as a utility or a competitive carrier in other state(s) that the commission determines that it is not in the public good to allow registration; ~~and/or~~

(4)(5) Regarding an applicant to provide service in the local exchange service territory of an Exempt ILEC, failed to demonstrate that the applicant has the technical, managerial and financial qualifications to meet its commitments pursuant to Section Puc 431(c)(2).

(b) In determining whether to deny an application for registration, the commission shall consider whether the crime or act referred to in (a) above is substantially related to the qualifications, functions or duties required to provide CLECELEC services.

(c) In the event that the commission denies an application for registration, the applicant may, within 30 days, file a request for reconsideration.

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

Puc 431.03 Withdrawal of Application or Authorization.

(a) An CLECELEC may withdraw its application and authorization prior to serving customers in New Hampshire so long as the CLECELEC has no outstanding obligations to any New Hampshire end user.

(b) An CLECELEC wishing to withdraw shall file Form CLECELEC-35 Withdrawal of Application or Authorization, described in Puc 449.13.

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

Puc 431.04 Surety Bond.

~~When a CLEC collects advance billing or deposits, it shall have on file with the commission proof of a surety bond in the amount estimated to cover outstanding deposits and advance billing collected during the calendar year.~~

~~The surety bond shall be updated annually concurrent with the CLEC's annual report.~~

~~The surety bond shall be from a surety company authorized to conduct business in New Hampshire.~~

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

Puc 431.05 Uniform Tariff.

~~A CLEC which elects to use the uniform tariff shall do so by submitting Form CLEC-11 Intent to Use Uniform Tariff, described in Puc 449.08.~~

~~A CLEC which elects to use the uniform tariff shall not file the actual text of the uniform tariff with the commission but shall simply adopt its terms.~~

~~A CLEC which uses the uniform tariff shall not alter or rearrange the content of the uniform tariff in any way.~~

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

Puc 431.06 Rate Schedule.

~~(a) A CLEC shall file a rate schedule with the commission, using Form CLEC-25 Rate Schedule Cover Sheet, described in Puc 449.10.~~

~~(b) Any rate schedule filed pursuant to (a) above, shall not include any terms, conditions or limitations of liability.~~

~~(c) If a CLEC chooses to establish terms, conditions and limitations of liability different from the uniform tariff, it shall do so through individual contracts with its customers.~~

~~(d) A CLEC shall not include any provisions in its rate schedule(s) which are inconsistent with applicable commission rules or statutory requirements.~~

~~(e) As to any rate schedule filed with the commission by a CLEC:~~

~~The commission shall maintain the CLEC's rate schedule(s) on file for informational purposes only;~~

~~The filing of a rate schedule shall not create a presumption that the commission has either reviewed or approved the rates; and~~

~~The commission shall presume the rates are just and reasonable unless and until a complaint is raised by any person affected by the change, at which time the rate schedule(s) shall be subject to review.~~

~~(f) A CLEC shall file its complete rate schedule biennially, in each even-numbered year.~~

~~(g) The commission shall accept rate schedules filed in an electronic format that is compatible with the commission's electronic filing capability.~~

~~(h) In the event that terms, conditions or limitations on liability are included in a rate schedule filed with the commission, such terms, conditions and limitations on liability shall have no effect.~~

~~(i) A CLEC with rate schedules or tariffs on file with the commission on the effective date of these rules~~

~~shall have until March 31, 2006, to bring existing rate schedules or tariffs into compliance with this section.~~

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

Puc 431.047 Access Rates. An CLECELEC shall not charge intercarrier compensation rates for access greater than those charged by the ILEC.

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

~~Puc 431.08 Changes in Prices and Services.~~

~~(a) A CLEC shall notify the commission of any proposed change in prices or services offered by filing an amended Form CLEC-25 Rate Schedule Cover Sheet, including only the rate sheet(s) revised by the change, at least one day in advance of the proposed effective date of any of the following:~~

~~The introduction of a new service offering;~~

~~The deletion of an existing service offering;~~

~~A price change; or~~

~~Any change to the name, description, or other aspect of an existing service.~~

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

~~Puc 431.09 Annual Report.~~

~~A CLEC shall file Form CLEC-3 Annual Report, described in Puc 449.04, each year, regardless of whether it has initiated operations or has any operating revenues in New Hampshire.~~

~~A CLEC which is also a CTP shall file one combined annual report covering the operation of both entities.~~

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

Puc 431.0510 Assessment.

(a) An CLECELEC shall file Form CLECELEC-2 Assessment Report, described in Puc 449.03, annually.

(b) An CLECELEC which is also a CTP shall file one combined assessment report covering the operation of both entities.

(c) The commission shall assess an CLECELEC pursuant to RSA 363-A:2.

(d) An CLECELEC shall remit such assessment to the commission, pursuant to RSA 363-A:4.

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

Puc 431.0611 Contact Information. An CLECELEC shall file Form CLECELEC-1 Contact Information, described in Puc 449.02, both annually and within 30 days of any change of the information on the "Contact Information" form.

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

Puc 431.07~~12~~ Conditions of Operation.

(a) A ~~CLECELEC~~ shall exercise its ~~CLECELEC~~ authorization by providing telecommunications service to at least one ~~retail~~ customer no later than 2 years from the date of issuance, or forfeit its ~~CLECELEC~~ authorization pursuant to Puc 431.13.

(b) An ~~CLECELEC~~ shall file Form ~~CLECELEC~~-12 Initiation of Operations, described in Puc 449.09, when the ~~CLECELEC~~ first acquires and provides service to an end user in New Hampshire.

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

~~—— Puc 431.13 Forfeiture of Authorization.~~

~~—— A CLEC failing to file an annual report for 2 successive years shall, after notice and opportunity for a hearing, forfeit its authority to operate.~~

~~—— A CLEC filing an annual report which indicates no activity in New Hampshire for 2 successive years following its registration shall, after notice from the commission, forfeit its authority to operate.~~

~~—— A CLEC forfeiting its authorization under this section shall discontinue operations pursuant to Puc 431.14.~~

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

~~—— Puc 431.14 Discontinuance of Operations.~~

~~—— (a) A CLEC who has commenced operations in New Hampshire shall, at least 10 days prior to the migration period required by (c) below, notify the commission of its intent to cease operations by filing:~~

~~—— A Form CLEC 34 Discontinuance of Operations, described in Puc 449.12; and~~

~~—— A copy of its notice to customers as required by (b) below.~~

~~—— (b) A CLEC who has commenced operations in New Hampshire shall, at least 10 days prior to the migration period required by (c) below, notify its customers, pursuant to Puc 432.04, of cessation of operations, such notification to include:~~

~~—— Notice that the CLEC shall discontinue providing its services to the customer;~~

~~—— Instructions for migration to an alternative carrier; and~~

~~—— The time period, which shall not be less than the migration period set out in (c) below, within which the customer shall make a selection of a new local exchange carrier.~~

~~—— (c) A CLEC may only cease operations following a customer migration period, which shall be at least:~~

~~—— 30 days for providers of resale services;~~

~~—— 30 days for any carrier with fewer than 500 customers;~~

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~~—— 45 days for UNE P providers with more than 500 customers; or~~

~~—— 60 days for all other carriers.~~

~~——(d) A CLEC shall refund to its customers any applicable amounts owed prior to cessation of operations.~~

~~——(e) A CLEC shall satisfy its outstanding obligations to other LECs for New Hampshire services.~~

~~——(f) The commission shall post on its website a list of CLECs who have filed a “Discontinuance of Operations.”~~

~~——(g) The commission shall approve a CLEC’s request to cease operations upon finding that the CLEC has made adequate provisions for discontinuance of operations, pursuant to (a) through (f) above.~~

~~——(h) An ILEC providing wholesale services to a CLEC may petition the commission to initiate an involuntary discontinuance of operations against the CLEC when the CLEC’s undisputed balance for wholesale services is more than 45 days past due.~~

~~——(i) No later than 10 days after ceasing operations, a CLEC shall provide to the commission:~~

~~——A sworn statement that the CLEC has ceased providing service to all its New Hampshire customers; and~~

~~——Evidence that all the CLEC’s customers have been sent refunds of any and all deposits or advance billing that might be owed them.~~

~~——(j) The commission shall relieve the CLEC of its surety bond requirement upon the timely completion of the requirements of this section.~~

~~——(k) When the commission determines that a CLEC has not made adequate provisions for notifying its customers pursuant to (b) above the CLEC shall provide to the commission a list of the names and addresses of the end users affected by the termination.~~

~~——(l) When the commission determines that a CLEC has not made adequate provisions for satisfying its outstanding obligations pursuant to (d) and (e) above, the commission shall disperse the CLEC’s surety bond to refund all monies owed to New Hampshire end users.~~

~~——(m) Nothing in (l) above shall prevent any third party from exercising any rights it may have against the CLEC, whether under contract, at law, or in equity.~~

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

~~——Puc 431.15 Notice of Bankruptcy. A CLEC filing for bankruptcy shall notify the commission in writing when it files for bankruptcy within 1 business day following its filing with the bankruptcy court.~~

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

~~——Puc 431.16 Quality of Service Information Required.~~

~~——(a) A CLEC shall file Form CLEC 4 Quality of Service Report, described in Puc 449.05, annually.~~

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~~——A CLEC shall file Form CLEC 5 Quality of Service Report Card, described in Puc 449.06, annually.~~

~~——The “Quality of Service Report Card” shall be made available for public information.~~

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

~~——Puc 431.17 Service Outages.~~

~~—— (a) A CLEC shall report significant service outages to the extent known, pursuant to Puc 402.49, by calling the commission within the following time frames:~~

~~—— For outages which occur between 7:00 a.m. and 4:30 p.m. during normal business hours, Monday through Friday, within 60 minutes of occurrence; and~~

~~—— For outages which occur during non-business hours, by 9:00 a.m. on the business day following the outage.~~

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

~~—— Puc 431.18 Accident Notifications.~~

~~—— A CLEC shall notify the commission of reportable accidents within the state of New Hampshire in connection with its facilities, property or service.~~

~~—— In the event of a significant accident pursuant to Puc 402.48, the CLEC shall notify the commission by telephone as follows:~~

~~—— (1) During regular commission hours:~~

~~—— The CLEC shall contact the telecommunications division commission representative listed on the accident notification roster, pursuant to Puc 402.01, at the commission telephone number provided;~~

~~—— If the telecommunications division representative is unavailable, the CLEC shall work sequentially through the accident notification roster until it speaks directly with one of the commission representatives listed therein;~~

~~—— (2) Outside of regular commission hours:~~

~~—— a. The CLEC shall call the commission general telephone listing provided in the accident notification roster and leave a voice mail message:~~

~~—— Identifying the CLEC and the name and telephone number of the individual attempting to report; and~~

~~—— Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and~~

~~—— b. The CLEC shall attempt to contact a commission representative listed on the accident notification roster, pursuant to Puc 402.01, at the after hours telephone number provided, starting with the telecommunications division commission representative, and working~~

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~~—— sequentially through the list until the CLEC speaks directly with one of the commission representatives listed therein;~~

~~—— (3) The CLEC shall provide the commission with the following information:~~

~~—— a. The name of the CLEC;~~

~~—— b. The name of the person making the report and the telephone number at which they can be reached;~~

~~—— c. A brief description of the accident or event and location;~~

~~—— d. The time at which:~~

~~—— The accident or event occurred; and~~

~~— The CLEC was first notified of the accident or event;~~

~~— e. A description of any fatalities, personal injuries and damages; and~~

~~— f. Any other information relevant to the cause of the accident and the extent of the damages; and~~

~~— (4) Notification of a significant accident shall not be complete until a CLEC's representative:~~

~~— Speaks to a commission representative listed on the accident notification roster; and~~

~~— Communicates to the commission representative the information required by (b) (3) above.~~

~~— (c) For all other reportable accidents, pursuant to Puc 402.46, a CLEC shall notify the commission by telephone during regular business hours as outlined in (b) (1) above:~~

~~— On the day of the accident or event, if possible; or~~

~~— On the next business day.~~

~~— (d) In addition to notifying the commission, a CLEC shall file Form CLEC 30 Utility Accident Report, described in Puc 449.11, for each reportable accident within 10 business days of the accident.~~

~~— (e) A CLEC shall submit a supplemental Form CLEC 30 Utility Accident Report, referencing the original "Utility Accident Report" within 60 days of notification of the accident or event.~~

~~— (f) The supplemental accident report referred to in (e) above shall include any applicable supporting documentation not provided in the original report.~~

~~— (g) If the CLEC is unable to speak to a commission representative outside of regular commission hours, the CLEC shall, as soon as possible on the next business day, contact the commission as outlined in (b)(1) above.~~

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

Puc 431.0849 Violation of Rules.

(a) If, after notice and opportunity to be heard the commission determines that good cause exists, it shall issue an order:

- (1) Revoking or, suspending, ~~modifying or imposing conditions upon~~ its CLECELEC authorization;
- (2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28-a, II ~~or~~, RSA 378:46 or a combination thereof; or
- ~~(3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or~~
- ~~(4)~~(3) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.

(b) For the purposes of this section, good cause shall include but not be limited to the following actions by a CLECELEC:

- ~~(1) Conducting business in an unfair or deceptive manner;~~
- ~~(2)~~(1) Consistent or flagrant violation of applicable statutes, commission rules or commission orders;
- ~~(3)~~(2) Slamming, in violation of RSA 374:28-a;

~~(4)(3)~~ Cramming, in violation of RSA 378:46; or

~~Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.~~

(c) The commission shall determine which consequences set forth in (a) above are most applicable after considering:

(1) The nature of the infraction; and

(2) The severity of the infraction; and

~~(3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.~~

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

PART Puc 432 ~~E~~CLEC CUSTOMER RELATIONS

~~Puc 432.01 Provision of Basic Service.~~

~~(a) A CLEC shall, directly or indirectly, make available to its customers all of the following as part of basic service:~~

~~Safe and reliable single party voice service;~~

~~The ability to receive all non collect calls, at telephone lines capable of receiving calls, without additional charge;~~

~~The ability to complete calls within the state to any other telephone line capable of receiving calls;~~

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~~(4) The opportunity to presubscribe to interLATA toll carriers;~~

~~(5) The opportunity to presubscribe to intraLATA toll carriers;~~

~~(6) Dialing parity;~~

~~(7) Number portability;~~

~~(8) Enhanced 911, pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;~~

~~(9) Access to statewide directory assistance;~~

~~(10) Telecommunications Relay Service (TRS), pursuant to Puc 432.02 below;~~

~~(11) A white pages directory listing;~~

~~(12) A non-electronic telephone directory;~~

~~(13) A caller identification blocking option, on a per call basis;~~

~~(14) A caller identification line blocking option that:~~

~~Is available to all customers without a recurring charge;~~

~~Is provided upon customer request without charge to customers who have elected non-published telephone numbers;~~

~~Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and~~

~~Is available without a non-recurring charge when requested with installation of basic service;~~

~~(15) A blocking option for pay per call calls, such as blocking all 900 or all 976 calls;~~

~~(16) The ability to report service problems to the customer's basic service provider on a 24 hour basis, 7 days a week; and~~

~~(17) Automatic Number Identification (ANI) to other carriers which accurately identifies the telephone number of the calling party.~~

~~(b) A CLEC shall make its services available on a nondiscriminatory basis to all similarly situated customers within their operating area.~~

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

Puc 432.012 Telecommunications Relay Service.

(a) A CLECELEC that provide access to TRS may collect TRS charges in the amount ordered by the commission in monthly basic service charges;

(b) A CLECELEC shall remit the required TRS charges per customer ordered by the commission, on or before the 20th day of each month, to the TRS trustee account designated by the commission.

(c) A CLECELEC shall provide the New Hampshire relay provider with all information necessary to ensure local calls placed through the TRS are not billed as toll calls and that toll calls placed through the TRS are not treated as local calls.

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

Puc 432.023 E911 Surcharge.

(a) A CLECELEC shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.

(b) A CLECELEC shall remit monthly the amount collected pursuant to (a) above

to the: Department of Safety
Bureau of Emergency Communications
33 Hazen Drive
Concord, New Hampshire, 03305.

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

Puc 432.04 CLEC Notices to Customers.

~~(a) Unless otherwise specified, any notice to customers required by these rules shall:~~

~~(1) Include the company name and relevant contact telephone number;~~

~~(2) Be provided:~~

~~In a separate mailing;~~

~~As a bill insert; or~~

~~By clear and conspicuous notice printed on the customer's bill; and~~

~~(3) Be sent separately from communications that would otherwise include only promotional materials.~~

~~(b) Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically.~~

~~(c) Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.~~

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

Puc 432.05 Bill Forms:

~~Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.~~

~~Each bill shall show all factors as are necessary, so that the charges may be readily understood from the information appearing on the bill.~~

~~(c) Each bill shall indicate the following:~~

~~(1) The date of the current bill;~~

~~(2) For those utilities which charge interest and/or late charges after the due date:~~

~~The due date, as defined in Puc 402.15; and~~

~~Any applicable penalty approved in the utility's tariff or rate schedule, as applicable;~~

~~(3) Any applicable discount;~~

~~(4) The charges;~~

~~(5) The toll-free customer service telephone number of the utility;~~

~~(6) A statement directing customers to contact the utility regarding bill questions; and~~

~~(7) A statement that customer may call the commission for further assistance after first attempting to resolve disputes with the utility.~~

~~(d) All payments made at an authorized payment agency of the utility shall be credited to the customer's account and posted effective the date payment is rendered to the authorized payment agency.~~

~~(e) Bills shall be delivered:~~

~~Via US postal service; or~~

~~Via an electronic billing system when offered by the utility and elected by the customer.~~

~~(f) Each utility shall maintain and make available to the commission upon request an accurate account of all utility charges for service billed to each customer and shall maintain records showing the information from which each bill may be readily computed.~~

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

Puc 432.06 Application of Payments. If a CLEC provides that customers may pay bills to an authorized payment agent, pursuant to Puc 402.03, of the CLEC, the CLEC shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agent.

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

Puc 432.07 Notice to Customers of Changes in Rates.

~~Prior to the effective date of any rate increase, a CLEC shall notify all affected customers of the rate increase pursuant to Puc 432.04, except if and to the extent that a contract between the customer and the CLEC permits increases in rates over the contract term.~~

~~The notice required in (a) above shall include:~~

~~The new rate;~~

~~The effective date of the rate increase; and~~

~~A statement that the customer has 30 days to discontinue the service without incurring the rate increase.~~

~~In order for a change in the price of an existing CLEC service to become effective, a CLEC shall file the changed rate with the commission at least one day before the new rate's proposed effective date.~~

~~A customer may, at any time up to and including 30 days following the written notice in (a) above, request discontinuation of the relevant service~~

~~The customer discontinuing the service pursuant to (d) above shall automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.~~

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

Puc 432.038 Slamming Prohibited.

(a) A CLECELEC shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds a CLECELEC has switched a subscriber's selection of carrier without authorization, the CLECELEC shall be subject to an administrative fine, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a,II.

(c) For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission shall issue an order pursuant to Puc 431.19.

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

Puc 432.049 Cramming Prohibited.

(a) A CLECELEC shall not engage in cramming.

(b) If, after notice and opportunity for hearing, the commission finds a CLECELEC has engaged in cramming, the CLECELEC shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.

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

Puc 432.10 Directories.

~~In the event of an error in the name or address listing of any customer, a CLEC shall include such customer's correct name, address and telephone number in the files and applicable databases of the information operator and shall furnish this information to every caller upon request.~~

~~Whenever any customer's telephone number is changed due to error of the carrier after a directory is published, and until a new directory is issued, unless the customer requests otherwise, a CLEC shall:~~
~~Intercept, if possible, all calls to the former number for a period of no fewer than ninety days and give the calling party the new number for that customer;~~
~~Maintain the correct number in its directory assistance listings; and~~

~~Furnish the correct number to any caller upon request.~~

~~(c) In case of an error or omission in the white page directory listing for which the customer is charged, a CLEC shall provide an adjustment of the total charges for such listing.~~

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

~~Puc 432.11 Publication of Telephone Numbers.~~

~~A CLEC shall not publish or list numbers for which a customer or other LEC requests non-directory listed or non-published status.~~

~~Customers who request non-published telephone numbers shall be informed by a CLEC, at the time of the request, that the caller identification line blocking option is available at no additional charge.~~

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

~~Puc 432.12 Confidentiality Requirements.~~

~~(a) A CLEC shall treat all communications between customers as confidential unless, and to the extent authorized by the commission, or state or federal law.~~

~~(b) No CLEC operators, employees or agents shall, except when a technical necessity exists:~~

~~Listen to any telephone conversation between customers; or~~

~~Monitor the content of non-voice communication such as data.~~

~~(c) Employees, including operators and agents of a CLEC, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the CLEC, unless, and to the extent, authorized by the commission or by state or federal law.~~

~~(d) A CLEC shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.~~

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

~~Puc 432.13 Exit Fees.~~

~~(a) A CLEC shall not charge retail customers any exit fees.~~

~~(b) Exit fees shall not include:~~

~~Contractual obligations; or.~~

~~Termination fees for early termination of services purchased under a term agreement.~~

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

~~Puc 432.14 Disconnection of Service.~~

~~(a) A utility may require, pursuant to Puc 1203.10, that a residential customer shall:~~

~~Give notice of up to 4 business days of his intention to discontinue service; and~~

~~Be responsible for all charges until expiration of such notice period.~~

~~(b) Except as provided for in Puc 432.15, a utility may provide notice of disconnection of service, pursuant to Puc 432.16, to a residential customer, and may subsequently disconnect such service in conformance with this section, only if:~~

~~The customer has failed to pay any bill or deposit request, not disputed in good faith, within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07;~~

~~The customer has failed to abide by the terms of a payment arrangement entered into pursuant to Puc 1203.07;~~

~~The customer has failed to pay the bill for service or enter into a payment arrangement for the bill for service on or before the due date printed on the bill; or~~

~~The customer refuses access to his premises for a necessary inspection of utility property.~~

~~(c) When a customer has received a disconnection notice pursuant to (b) above, the utility may require payment at less than monthly intervals in lieu of disconnection or upon reconnection without deposit.~~

~~(d) If service is disconnected for non payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.~~

~~(e) A utility may disconnect service to a residential customer without notice only if:~~

~~(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;~~

~~(2) A customer or resident in the customer's household has participated in or created the following:~~

~~Fraudulent use or procurement of the utility service; or~~

~~Tampering with the connections or other equipment of the utility; or~~

~~(3) The customer has:~~

~~Clearly abandoned the premises; or~~

~~Failed to abide by the terms of a payment arrangement, of which the customer has previously received notice, entered into pursuant to Puc 1203.07.~~

~~(f) A utility shall not disconnect a customer if:~~

~~(1) The customer's unpaid bill for regulated services is less than \$25.00, unless it includes an arrearage in whole or in part outstanding for more than 60 days;~~

~~The customer's unpaid bill results from charges for unregulated services including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales;~~

~~The utility bills for service in advance and the service has not yet been provided; or~~

~~The utility has, within the preceding 60 days, received notification, in accordance with (g) below, from a licensed physician or mental health practitioner as defined in RSA 330-A:2, VII that a medical emergency exists at the location or would result from the disconnection.~~

~~(g) In order to avoid disconnection pursuant to (f)(4) above, a licensed physician's or mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:~~

~~The initial notification may be made by the physician or mental health practitioner by telephone and shall be deemed valid for 7 days;~~

~~The certification shall continue in force if a licensed physician or mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and~~

~~Written certification shall be renewable every 60 days as necessary provided that the customer enters into and complies with the terms of a payment arrangement pursuant to Puc 1203.07.~~

~~(h) A utility which intends to terminate service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to (g)(3) above, shall notify the commission no fewer than 5 business days prior to termination.~~

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

~~Puc 432.15 Disconnection of Service to Lifeline Telephone Assistance Customers.~~

~~Except as provided in (b) below, the basic service of customers receiving benefits under the federal Lifeline Telephone Assistance program shall not be disconnected for failure to pay any portion of the bill associated with the provision of toll service.~~

~~For customers receiving benefits under the federal Lifeline Telephone Assistance program and subscribing to a bundled service option, basic service may be disconnected in accordance with Puc 432.14.~~

~~A utility shall provide notice of disconnection of basic service, pursuant to Puc 432.16, to a residential customer receiving benefits under the federal Lifeline Telephone Assistance program, and may subsequently disconnect such service if:~~

~~The customer has failed to pay any undisputed bill for basic service or undisputed basic service deposit request within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07 for the arrearage resulting from the provision of basic service or the basic service deposit request;~~

~~The customer has failed to pay for an arrearage resulting from the provision of basic service according to the terms of a payment arrangement for an arrearage resulting from the provision of basic service entered into pursuant to Puc 1203.07;~~

~~The customer has failed to pay the bill for basic service or enter into a payment arrangement for utility bill for basic services on or before the due date printed on the bill; or~~

~~The customer refuses access to his premises for a necessary inspection of utility property.~~

~~(d) For the purposes of this section, allowed basic service charges shall include any charge or fee that would be levied if the customer only ordered basic service including but not limited to E911 charges, state and federal taxes, charges for directory assistance provided by the local exchange carrier, charges for non-published numbers and non-listed numbers, and optional regulated services, excluding toll service, to which the customer subscribes.~~

~~(e) If basic service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.~~

~~(f) A utility may disconnect basic service to a residential customer without notice only if:~~

~~(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;~~

~~(2) A customer or resident in the customer's household has participated in or created the following:~~

~~Fraudulent use or procurement of the utility service; or~~

~~Tampering with the connections or other equipment of the utility; or~~

~~(3) The customer has:~~

~~Clearly abandoned the premises; or~~

~~Failed to abide by the terms of a payment arrangement for the provision of basic service entered into pursuant to Puc 1203.07.~~

~~(g) A utility shall not disconnect a customer's basic service if:~~

~~The customer's unpaid bill for basic services is less than \$25.00, unless it includes an arrearage for the provision of basic service which is in whole or in part outstanding for more than 60 days;~~

~~The customer's unpaid bill results from charges for unregulated services other than basic service including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales;~~

~~The utility bills for service in advance and the service has not yet been provided; or~~

~~The utility has, within the preceding 60 days, received notification, in accordance with (h) below, from a licensed physician or mental health practitioner that a medical emergency exists at the location or would result from the disconnection.~~

~~(h) In order to avoid disconnection pursuant to (g)(4) above, a licensed physician's or mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:~~

~~The initial notification may be made by the physician or mental health practitioner by telephone and shall be deemed valid for 7 days;~~

~~The certification shall continue in force if a licensed physician or mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and~~

~~Written certification shall be renewable every 60 days as necessary.~~

~~The physician's or mental health practitioner's certification of medical emergency described in (h) above shall be sufficient to retain basic service provided the customer enters into and complies with the terms of a payment arrangement for arrearages incurred for the provision of basic service pursuant to Puc 1203.07.~~

~~A utility which intends to disconnect the basic service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to 1203.07, shall notify the commission no fewer than 5 business days prior to termination.~~

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

~~Puc 432.16 Notice of Disconnection.~~

~~(a) A utility shall not, except as specified in Puc 432.14(e), disconnect the service of any customer unless the utility sends the customer written notice of the utility's intention to disconnect, mailed at least 14 days in advance of the date of the proposed disconnection.~~

~~(b) A utility shall not mail the disconnect notice referred to in (a) above to the customer fewer than 30 days from the bill date.~~

~~(c) The utility may disconnect service on a disconnect date scheduled pursuant to this section, unless the bill for service is paid or arrangements to pay the bill are made prior to disconnection.~~

~~(d) Unless otherwise requested by the customer, a utility shall only disconnect service to its residential customers between 8:00 am and 3:00 pm eastern time.~~

~~(e) Unless otherwise requested by the customer, utilities shall not disconnect service to residential customers during the hours specified in (d) above if the disconnection would occur on:~~

~~A state or federal holiday;~~

~~The day preceding a state or federal holiday;~~

~~A day the commission is closed to the public; or~~

~~The day preceding a day the commission is closed to the public.~~

~~(f) Before disconnecting, the utility shall attempt to notify an adult occupant of the premises by telephone.~~

~~(g) If a utility employee or agent visits the premises to disconnect, that employee shall notify an adult occupant of the premises or, if no adult is at the premises, leave a note as to how the customer may be reconnected.~~

~~(h) If the utility sends an employee to the customer's premises for the purpose of disconnecting service and the customer tenders payment in full of the bill to prevent disconnection, the employee shall:~~

~~Either accept payment, give a receipt and leave the service connected; or~~

~~Without disconnecting, direct the customer to go immediately to the utility's nearest office and tender payment there.~~

~~(i) The employee or agent visiting the customer's residence for purpose of effecting disconnection, as provided in (h) above, shall know the full amount to be paid but shall not be required to make change or negotiate payment arrangements.~~

~~(j) The utility shall be required to follow the procedures outlined in (g), (h) and (i) above on any specific customer account no more than twice in any 12 month period.~~

~~(k) A utility may conduct a disconnection at times other than those permitted pursuant to (d) and (e) above if:~~

~~The customer has agreed to arrangements to disconnect; or~~

~~The utility must enter the premises to disconnect service and the utility has access to the premises only during times other than those permitted by (d) and (e) above.~~

~~(l) Upon the request of the commission, every utility shall report to the commission the annual number of disconnect notices sent out and the number of actual disconnections for non payment.~~

~~(m) Any disconnect notice which a utility sends to a customer pursuant to this section shall set forth in clear, concise and conspicuously printed words, the following information:~~

~~The name and mailing address of the customer;~~

~~The account number;~~

~~The date scheduled for disconnection of service;~~

~~The reason for the disconnection of service including the overdue amount;~~

~~The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;~~

~~The address and telephone number at which the customer may contact the utility;~~

~~The toll-free telephone number of the commission's consumer affairs division, which is: 1-800-852-3793;~~

~~The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice—Your Rights"; and~~

~~Any additional data which the utility deems pertinent.~~

~~(n) When the disconnect notice described in (m) above includes charges in the overdue amount for non-regulated services including but not limited to telephone directory advertising, telephone equipment, or internet connectivity charges, the notice shall also:~~

~~(1) Separately list the amount due for regulated services; and~~

~~(2) Include the following statement: "Your telephone can be disconnected if you do not pay your usage charges for telephone service. Your telephone service cannot be disconnected for nonpayment of other charges such as internet connectivity, telephone directory advertising, or telephone equipment charges."~~

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

Puc 432.17 Disconnection Conferences with Customer:

~~(a) At the request of a customer, a utility shall provide the customer with the opportunity for a conference with the utility if the request is made prior to the proposed date of disconnection of service specified in the disconnect notice.~~

~~(b) If a customer contacts the utility on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the utility.~~

~~(c) If a customer contacts the utility either 1 or 2 days prior to the scheduled disconnection date requesting a conference, the utility shall schedule a conference no later than 3 business days after the request.~~

~~(d) If the customer contacts the utility as provided in (a) and (c) above and schedules a conference, the utility shall not disconnect service until the utility has notified the customer of the outcome of the conference.~~

~~(e) The conference may be conducted in person or by telephone.~~

~~(f) During the conference if the customer and the utility cannot agree on a resolution, the utility shall inform the customer of the customer's right to request a conference with the commission staff.~~

~~(g) In order to request a conference with the commission staff, a customer shall:~~

~~(1) Make the request with the commission's consumer affairs division before the later of:~~

~~The scheduled disconnection date; or~~

~~The fifth business day following utility notification to the customer of the outcome of the utility's conference with the customer; and~~

~~(2) Make the request to the commission's consumer affairs division in writing, in person, or by telephone.~~

~~(h) Each utility shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.~~

~~(i) Upon the customer's request for a conference with the commission staff pursuant to (g) above:~~

~~The commission staff shall notify the utility of the customer's timely made request;~~

~~The utility shall forward to the commission's consumer affairs division a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference along with any~~

~~other information the commission staff may request; and~~

~~The utility shall not disconnect service until the commission notifies the utility of the outcome of the commission staff's conference with the customer.~~

~~(j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the utility shall continue service to the customer until such time as the commission determines whether disconnection is justified.~~

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

~~Puc 432.18 Disconnection of Service to Non-residential Customers.~~

~~(a) For customer initiated disconnections of service, a utility may require that a non-residential customer shall:~~

~~Give 4 business days notice to the utility of the customer's intention to discontinue service; and~~

~~Be responsible for all charges until expiration of the notice period referred to in (1) above.~~

~~(b) For all other disconnections of service, a utility shall, before disconnecting the service of a nonresidential customer, provide written notice of disconnection no fewer than 5 days prior to the scheduled date of disconnection.~~

~~(c) A utility may disconnect the service of a non-residential customer when:~~

~~The customer has failed to pay any undisputed bill for basic service or undisputed deposit request within 30 days from the bill date;~~

~~The customer has violated a provision of the utility's approved tariff or a commission rule; or~~

~~The customer refuses access to his premises for a necessary inspection of utility property.~~

~~(d) Unless otherwise requested by the customer, utilities shall only disconnect service to its nonresidential customers between 8:00 am and 3:00 pm eastern time;~~

~~(e) Unless otherwise requested by the customer, utilities shall not disconnect service to nonresidential customers during the hours specified in (d) above if the disconnection would occur on:~~

~~A state or federal holiday;~~

~~The day preceding a state or federal holiday;~~

~~A day the commission is closed to the public; or~~

~~The day preceding a day the commission is closed to the public.~~

~~(f) A utility may disconnect a non-residential customer without giving the notice required in (a) above, in the following events:~~

~~(1) A customer has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger; or~~

~~(2) When the utility determines that the customer has engaged in fraudulent use of its telephone service.~~

~~If service is discontinued for non-payment, the utility may make a charge for reconnection in accordance with the utility's approved tariff or rate schedule.~~

~~A utility shall send written notice of disconnection to a non-residential customer, except as provided in (f) above, which shall include:~~

~~The name and mailing address of the customer;~~

~~The account number;~~

~~The date scheduled for disconnection of service;~~

~~The reason for the disconnection of service including the overdue amount;~~

~~The possible consequences of disconnection, such as deposit requirement, reconnection fee, and other similar consequences;~~

~~The address and telephone number at which the customer may contact the utility;~~

~~The toll-free telephone number of the commission's consumer affairs division;~~

~~The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice—Your Rights"; and~~

~~Any additional data which the utility deems pertinent.~~

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

~~Puc 432.19 Disconnection of Associated Services.~~

~~(a) A utility may disconnect a residential customer's associated service, pursuant to Puc 402.02, for an arrearage resulting from the provision of service on the residential customer's other telephone line(s) and a non-residential customer's associated service for an arrearage resulting from the provision of service on the non-residential customer's other telephone line(s), provided that the utility complies with the disconnection requirements of this section, if the utility:~~

~~(1) Provides a statement to the customer on the disconnection notice:~~

~~Conspicuously notifying the customer that disconnection of an associated service may occur as a result of an event for which disconnection could occur at the customer's other telephone line(s); and~~

~~Clearly and conspicuously stating that the associated service that may be disconnected; and~~

~~(2) Provides terms and conditions in its approved tariff for disconnection based on associated services.~~

~~(b) Notwithstanding the provisions of 432.14(d), no utility shall charge for reconnection of an associated service.~~

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

Puc 432.20 Application of Payments for Customers Participating in the Lifeline Telephone Assistance Program.

~~For residential customers subscribing to basic service, the payment shall be applied to past due charges for basic first, past due charges for toll second, current charges for basic third, and current charges for toll fourth.~~

~~For residential customers subscribing to a bundled service, the payments shall be applied to the past due charges for bundled service first, and current charges for bundled service second.~~

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

PART Puc 433 CLEC EQUIPMENT AND FACILITIES

Puc 433.01 Construction, Installation and Maintenance of Physical Plant.

~~A facilities-based CLEC shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2002 edition, and the National Electric Code as adopted by RSA 155-A:1, IV.~~

~~A facilities-based CLEC shall construct, install and maintain its plant, structures, equipment and lines to prevent interference with service furnished by other carriers and by other public service facilities, such as~~

~~cable TV, fire alarm, electric, water, sewer, gas or steam facilities.~~

~~A facilities-based CLEC shall periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.~~

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

~~Puc 433.02 Restoration of Service. When a customer's telephone service is reported or found to be out of order or degraded, the CLEC shall take action to restore the service as promptly as possible.~~

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

~~Puc 433.03 Emergency Operations:~~

~~(a) A facilities-based CLEC shall make reasonable provisions to meet emergencies resulting from any of the following:~~

~~Failures of commercial power service;~~

~~Sudden and prolonged increases in traffic;~~

~~Illness, strike or labor unrest of employees;~~

~~Failure of a supplier to deliver materials or supplies;~~

~~Civil unrest; or~~

~~(6) Any other significant disasters, including, but not limited to, fire, storms, floods, or other "acts of God"~~

~~causing loss of communication to a large population or area of the state to the extent that the magnitude or duration is foreseeable.~~

~~A facilities-based CLEC shall establish plans and procedures and issue instructions to its employees and agents to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telephone service.~~

~~The preparations required by (b) above shall include plans and procedures for operations under extreme, severe or adverse conditions, such as natural disasters, strike, labor unrest, civil unrest or supplier disruption.~~

~~The plans and procedures established under (c) above, shall be made available to the commission, on a confidential basis, upon request.~~

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

~~Puc 433.04 Safety Instructions.~~

~~A facilities-based CLEC shall adopt instructions for the safety of employees and agents.~~

~~A facilities-based CLEC shall institute practices and programs to ensure that such employees and agents have been properly informed of safe practices and are cognizant of all hazards involved.~~

~~A facilities-based CLEC shall instruct its employees engaged in line construction, where pole facilities are used jointly with an electric utility, in the practice and use of accepted rules for resuscitation from electric shock.~~

~~A facilities-based CLEC shall provide copies of procedures developed pursuant to this section to each such employee or agent.~~

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

~~Puc 433.05 Commission Inspections. A CLEC shall allow and assist the commission when it shall, from time to time, inspect the works and system of each CLEC and the manner in which the CLEC has conformed to statutes, rules and orders.~~

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

~~Puc 433.06 Quality of Service Standards.~~

~~(a) A facilities-based CLEC shall provide sufficient capacity and equipment to meet the following minimum requirements during any normal busy hour:~~

~~Dial tone shall be provided within 3 seconds on at least 98% of telephone calls; and~~

~~Complete dialing of called numbers shall occur, without encountering a busy condition within the intra-CLEC interoffice trunks, on at least 97% of all attempted calls.~~

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

PART Puc 434 CLECELEC REPORTS AND FILINGS

Puc 434.01 One-Time Filings Required for Prospective and New CLECELECs.

(a) A CLECELEC shall file Form CLECELEC-10 Application for Registration when it is applying to provide service in New Hampshire.

~~(b) A CLEC shall file Form CLEC-11 Intent to Use Uniform Tariff when it elects to adopt the uniform tariff pursuant to Puc 431.05.~~

~~(e)(b)~~ A CLECELEC shall file Form CLECELEC-12 Initiation of Operations when it serves its first revenue-producing customer in New Hampshire.

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

~~Puc 434.02 Biennial Reports. A CLEC shall file a complete rate schedule, using Form CLEC-25 Rate Sheet Cover Sheet, biennially on or before March 31 of each even-numbered year.~~

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

~~Puc 434.03 Annual Reports.~~

~~Unless otherwise specified in this part, reports filed annually shall be due on or before March 31 of each year, and shall cover the most recent calendar year.~~

~~A CLEC shall file the following commission reports annually:~~

~~Form CLEC-1 Contact Information, as described in Puc 449.02;~~

~~Form CLEC-2 Assessment Report, as described in Puc 449.03;~~

~~Form CLEC-3 Annual Report, as described in Puc 449.04;~~

~~Form CLEC-4 Quality of Service Report, as described in Puc 449.05; and~~

~~Form CLEC-5 Quality of Service Report Card, as described in Puc 449.06.~~

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

Puc 434.0~~2~~4 Other Reports.

(a) Unless otherwise specified in these rules, a ~~CLECELEC~~ shall file the following reports with the commission within thirty days of the event that necessitates the filing:

- (1) A Form ~~CLECELEC~~-1 Contact Information, with respect to any changes in the information on the ~~CLECELEC~~'s most recently filed "Contact Information;"

~~A Form CLEC-30 Utility Accident Report, on the occurrence of a reportable accident pursuant to 431.18 (d) and (e) within 10 and 60 days of the accident;~~

~~A Form CLEC-34 Discontinuance of Operations, when a CLEC intends to discontinue its operations pursuant to 431.14;~~

~~A Form CLEC-35 Withdrawal of Application or Authorization, when a CLEC seeks to withdraw its application for registration, or withdraw its authorization to provide service, in the instance where it has no customers in the state, pursuant to Puc 431.03;~~

~~A Form CLEC-36 Transfer of Customer Base, when a CLEC is transferring its customer base to another entity, pursuant to Puc 441.02;~~

~~A Form CLEC-37 Change in Ownership, when a CLEC is undergoing a change in ownership, pursuant to Puc 441.03; and~~

~~A Form CLEC-40 CLEC FX Eligibility Report, described in Puc 449.16, when a CLEC becomes eligible to provide CLEC FX service in an exchange.~~

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

Puc 434.0~~3~~5 Submitting Reports and Forms.

(a) A ~~CLECELEC~~ shall submit all required reports and forms to the commission by the following methods:

- (1) Mail or other delivery to:

New Hampshire Public Utilities
Commission 21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or

- (2) Electronic report filing as the commission shall provide on the commission website.

(b) A ~~CLECELEC~~ making an electronic filing pursuant to (a)(2) above must comply with Puc 202.08 regarding filing requirements.

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

Puc 434.06 Confidential Treatment. A CLEC which seeks confidential treatment of any of the reports required by this section shall do so pursuant to RSA 378:43.

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

PART Puc 435 CLEC RECORDS

Puc 435.01 Preservation of Records.

A CLEC shall preserve all records required by Puc 200 and 400 for a period of 2 years unless a stricter requirement is specified in these rules.

Records shall be available for examination in New Hampshire by the commission during business hours.

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

PART Puc 436 CLEC OPERATOR SERVICES Puc 436.01 Provision of Service.

(a) A CLEC that provides operator services shall orally identify itself by name prior to the connection of the telephone call.

(b) A CLEC that provides operator services shall provide the following information immediately, audibly and distinctly to the telephone user, upon request and at no charge:

(1) Sufficient information to enable the customer to determine the total cost of the call that will be billed by or on behalf of the CLEC, including:

The per minute rate;

Any and all surcharges; and

Any other charge associated with the call, excluding taxes; and

(2) The methods by which complaints concerning such rates, charges or collection practices will be resolved.

(c) A CLEC that provides operator services shall instruct telephone users that they may obtain applicable rate and surcharge quotations required by (b) above, either by:

Dialing no more than 2 digits; or

Remaining on the line.

(d) A CLEC that provides operator services shall permit the telephone user to terminate the telephone call before the commencement of any charges.

(e) Where a CLEC provides operator services that allow third party calls, the CLEC shall:

Require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred; and

Require its operators to obtain such verification prior to allowing the third party customer to be billed.

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

PART Puc 437 CLECELEC INTERCARRIER OBLIGATIONS

Puc 437.01 Intercompany Cooperation.

(a) An CLECELEC shall cooperate with all carriers to produce a ubiquitous and seamless telecommunications network in New Hampshire.

(b) For the purpose of (a) above, a “seamless telecommunications” network means one in which customers do not perceive any transition from one carrier to the next.

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

Puc 437.02 Switching and Signaling Obligations.

~~(a) A CLEC shall provide answer and disconnect supervision in accordance with industry standards.~~

~~(b) A CLEC shall deliver to its customer the following kinds of calls unless screened or blocked at the customer's request:~~

~~Collect calls; and~~

~~Third party calls.~~

(c) An CLECELEC shall provide reasonable access to all signaling information pursuant to industry protocols.

(d) An CLECELEC shall not interfere with the transmission of signaling information.

(e) An CLECELEC shall protect Customer Proprietary Network Information (CPNI) at least to the level required by FCC regulations.

~~(f) A CLEC shall communicate, on a demand and preventative basis, information regarding maintenance necessary to ensure successful call completion.~~

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

~~Puc 437.03 Trouble Reporting and Resolution Obligations.~~

~~(a) A CLEC shall accept and respond to repair requests, trouble reports and service orders in a nondiscriminatory manner without regard to whether the service is retail or wholesale, or being resold or migrated.~~

~~(b) A CLEC that receives a trouble report from its customer and determines that the trouble is not on its network shall coordinate the trouble in a timely manner as follows:~~

~~The carrier providing the customer's local exchange service, that is, dial tone, shall accept, report and coordinate the resolution of troubles that involve interruption of service; and~~

~~The carrier receiving a trouble report from its customer regarding the non completion of an outgoing call shall accept, report and coordinate the resolution of that trouble.~~

~~(c) A CLEC shall rectify any customer troubles in a prompt and nondiscriminatory manner.~~

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

Puc 437.034 Rights of Way. An CLECELEC shall provide access to any pole, duct, conduit or right of way owned or controlled by the CLECELEC in accordance with the Telecommunications Act of 1996.

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

Puc 437.045 Exchange of Billing Name and Address Information.

- (a) A CLECELEC shall provide billing name and address data to other carriers for billing and collection.
- (b) A CLECELEC that charges a fee for providing billing name and address information shall do so in accordance with the applicable rate schedule or contractual arrangement.

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

Puc 437.056 Carrier to Carrier Migrations.

- (a) An CLECELEC shall not release confidential customer information, including customer usage data and customer payment information, without written authorization from the customer, unless otherwise required by law.
- (b) An CLECELEC shall accept and respond to requests for customer information, service and feature information, migration and installation orders without regard to whether the service is being resold or migrated.
- (c) When a CLECELEC receives an order to transfer, change or install a customer's service, it shall not, as a result of its receipt, market or otherwise initiate communications to retain or obtain the customer for a period of seven days following the completion by the carrier of the order to migrate a customer from its services to a competing carrier.
- (d) An CLECELEC shall not market to retain a customer as a result of receiving a request for a customer service record.
- (e) When acquiring a new customer, an CLECELEC shall schedule the events of a migration and notify the customer of the timing and impact of those events.
- (f) When migrating end users, an CLECELEC shall work together in good faith with other carriers to minimize or avoid any problems, including, but not limited to, service interruptions and billing problems.
- (g) When porting a customer's number, an CLECELEC shall release the number without delay or consideration of any issue such as the customer's account balance.
- (h) An CLECELEC shall be responsible for building a port trigger in its telephone number translations at least 1 business day prior to a cutover.
- (i) Upon notification of porting, an CLECELEC shall ensure that the port trigger will query the Number Portability Administration Center database every time a call is placed to the telephone number being cut over.

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

Puc 437.07 Intercompany Contact Information.

- (a) ~~(a)~~ An CLECELEC shall provide and regularly maintain contact and escalation lists for network, interconnection and provisioning issues on a web page, if the CLECELEC maintains a website.

- (b) (b) Substantive changes to the location or content of the information provided in (a) above shall

be updated within 5 business days.

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

Puc 437.08 Maintaining and Updating Databases.

(a) A CLEC shall maintain and update the following information in a timely and responsible manner:

Directory assistance;

The E911 database;

The toll-free 800 database;

The Line Information Database (LIDB); and

Other databases necessary for the provision of ubiquitous service.

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

PART Puc 438 CLECELEC ACCESS TO RESALE

Puc 438.01 Availability of Resale. An CLECELEC that does not have an interconnection agreement may purchase services under the terms and conditions of a non-exempt ILEC's resale tariff pursuant to Puc 419.

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

PART Puc 439 CLECELEC ACCESS TO UNBUNDLING

Puc 439.01 Availability of Unbundled Network Elements.

(a) An CLECELEC that does not have an interconnection agreement shall be permitted to purchase interconnection, services, or network elements under the terms and conditions of an ILEC's applicable wholesale tariff.

(b) An CLECELEC that can purchase a particular service or network element under its interconnection agreement, may not purchase the same particular service or network element from the ILEC's wholesale tariff.

(c) An CLECELEC shall release unused unbundled residential voice grade loop facilities within 5 working days of a request for termination of service from its residential customer.

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

PART Puc 440 CLECELEC INTERCONNECTION

Puc 440.01 Terms and Conditions.

(a) An CLECELEC shall not be required to have physical collocation with the ILEC in order to achieve interconnection.

(b) An CLECELEC shall interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.

(c) When an CLECELEC enters into an agreement for interconnection, services, or network elements pursuant to the Telecommunications Act of 1996, 47 U.S.C. § 252, it shall file that agreement with the commission within 30 days.

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

Puc 440.02 Network Changes.

(a) An CLECELEC interconnecting directly with a carrier shall provide citations to necessary technical references to LECs that will be interconnecting.

(b) Network changes made by an CLECELEC that affect direct interconnection shall be backwards compatible for 3 years from the introduction of the upgrade.

(c) At least 6 months prior to network changes affecting direct interconnection, an CLECELEC shall make available to other LECs any necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

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

Puc 440.03 Denial of Interconnection Requests.

(a) An CLECELEC may submit a request for interconnection at a technically feasible point not listed in Puc 421.01(a).

(b) An CLECELEC whose request for interconnection at a point not listed in Puc 421.01(a) is denied by an ILEC shall be permitted to petition the commission for a hearing as to whether the denial should be reversed.

(c) The commission shall reverse an ILEC's denial of a CLECELECs request for interconnection at a point not listed in Puc 421.01(a) unless the ILEC proves that interconnection at that point is not technically feasible.

(d) Previous successful interconnection at the particular point using particular facilities, or at substantially similar points in networks employing substantially similar facilities, shall constitute substantial evidence of technical feasibility for interconnection at a particular point.

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

PART Puc 441 CLECELEC CORPORATE RESTRUCTURING

Puc 441.01 Prior Approval ~~Not Required.~~

~~(a) —~~

~~(a) An CLECELEC that is not an ILEC, pursuant to RSA 374:22-o, shall not be required to obtain prior approval from the commission for financing or corporate organizational changes including, but not limited to, the issuance or transfer of its securities or the sale, lease or other transfer of its assets.~~

~~(b) An ILEC that is operating as an ELEC shall be required to obtain prior approval from the commission to transfer its franchise, works or system in accordance with RSA 374:30, II.~~

~~— Notwithstanding (a) above, a CLEC failing to notify the commission and its customers regarding~~

~~corporate restructuring as required in this part, shall be in violation of RSA 374:28 a, regarding slamming.~~

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

Puc 441.02 Transfer of Customer Base.

(a) When a CLECELEC proposes a transfer of its customer base, the CLECELEC shall notify the commission by filing Form CLECELEC-36 Transfer of Customer Base, described in Puc 449.14.

(b) A CLECELEC shall provide a copy of the "Transfer of Customer Base" form to all carriers from whom it is purchasing services and with which it is interconnected.

(c) No fewer than 14 days prior to the effective date of a CLECELEC transfer of its customer base, the CLECELEC shall provide written notice pursuant to Puc 432.04 to each affected customer which includes:

(1) Notice that the CLECELEC shall discontinue providing CLECELEC services to the customer;

(2) Notice of the date the CLECELEC shall discontinue providing CLECELEC services to the customer;

(3) Notice that the customer will be assigned to the proposed transferee or lessee carrier unless the customer selects an alternate local exchange service provider;

(4) Notice that the change in carrier shall be without charge to the customer;

(5) A clear statement:

a. Of any difference in the rates, terms and conditions of service of the CLECELEC and the rates, or terms and conditions of service of the proposed transferee or lessee CLECELEC; or

b. That the rates, terms and conditions of service of the CLECELEC and the proposed transferee or lessee CLECELEC are the same;

(6) The name, address and telephone number of the proposed transferee or lessee CLECELEC; and

(7) Notice of the time period within which the customer shall make a selection of any alternate CLECELEC or be assigned to the default or successor carrier, if different than the date the CLECELEC shall cease to provide service to the affected customer.

(d) A CLECELEC shall provide a copy of the notice described in (c) (3) above to the commission at the same time notice is sent to affected customers.

(e) A CLECELEC shall, within 30 days of the effective date of the transfer of customer base, refund to its customers any applicable amounts owed.

(f) The proposed transferee or lessee shall register as a CLECELEC, pursuant to Puc 431.01, if not already so registered.

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

Puc 441.03 Change in Ownership. An ILEC that is operating as an ELEC shall be required to obtain prior approval from the commission for a change of ownership in accordance with RSA 374:30, II.

When a CLEC undergoes a change in ownership pursuant to Puc 402.08 it shall notify the commission by filing Form CLEC-37 Change in Ownership, described in Puc 449.15.

A CLEC undergoing a change of ownership shall provide written notice pursuant to Puc 432.04 to each affected customer of the change in ownership, which shall include:

Information regarding the change in ownership;

Notice that the rates, terms and conditions of service of the CLEC shall remain the same.

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

PART Puc 442 - Puc 448 - RESERVED

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

PART Puc 449 CLECELEC FORMS

Puc 449.01 Availability of Forms. The commission shall make all forms available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

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

Puc 449.02 Form CLECELEC-1 Contact Information.

(a) On the "Contact Information" form required by Puc 434.03 and 434.04 the CLECELEC shall include:

- (1) The CLECELEC's legal name;
- (2) The trade name the CLECELEC uses with its customers;
- (3) The CLECELEC's complete mailing address;
- (4) The CLECELEC's telephone and fax numbers;
- (5) The CLECELEC's email address;
- (6) The CLECELEC's internet address, if the CLECELEC maintains a website;
- (7) The CLECELEC's federal employer identification number (FEIN);
- (8) The CLECELEC's authorization number, or date of application if the authorization number is not yet available;
- (9) The CLECELEC's toll-free number, fax number and email address for customer service;
- (10) The CLECELEC's toll-free number, fax number and email address for repair service;

~~(11) — The hours of operation for customer service and repair service;~~

~~(12)~~(11) An indication of whether the CLECELEC wishes to receive reports and reminders

via email;

~~(13)~~(12) The names and titles of the principal officers of the CLECELEC;

~~(14)~~(13) The printed name and title of the signatory; and

~~(15)~~(14) The current date.

(b) On the "Contact Information" form the CLECELEC shall include contact information for the following individuals:

~~(1)~~ The person responsible for preparing the annual report;

~~(2)~~(1) The person responsible for regulatory matters;

~~(3)~~(2) The person that the commission's consumer affairs division shall call regarding consumer complaints from customers;

~~(4)~~(3) The director of the CLECELEC's customer service department;

~~(5)~~(4) The officer responsible for customer service; and

~~(6)~~(5) The person responsible for paying assessment bills.

(c) Contact information for each individual identified in (b) above shall consist of:

(1) The name and title;

(2) The complete mailing address;

(3) The telephone and fax numbers; and

(4) The email address.

~~(d) The CLEC shall attach a copy of its escalation lists for network, provisioning, and interconnection issues.~~

(e) The authorized representative of the CLECELEC shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 449.03 Form CLECELEC-2 Assessment Report.

(a) On the "Assessment Report" required by Puc 431.10 the CLECELEC shall include:

(1) ~~(1)~~ The CLECELEC's legal name;

~~(5)~~—

(2) ~~(2)~~ The trade name the CLECELEC uses with its customers;

- (3) ~~(3)~~ The ~~CLECELEC~~'s FEIN;
- (4) ~~(4)~~ The ~~CLECELEC~~'s authorization number;
- (5) ~~(5)~~ Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (6) ~~(6)~~ The calendar year that is the subject of the report;
- (7) ~~(7)~~ The printed name and title of the signatory; and
- (8) ~~(8)~~ The gross utility revenue derived from New Hampshire operations during the period.

(b) The authorized representative of the ~~CLECELEC~~ shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

~~Puc 449.04 Form CLEC 3 Annual Report.~~

~~(a) On the "Annual Report" required by Puc 434.03 the CLEC shall include:~~

- ~~(1) The CLEC's legal name;~~
- ~~(2) The trade name the CLEC uses with its customers;~~
- ~~(3) The CLEC's FEIN;~~
- ~~(4) The CLEC's authorization number;~~
- ~~(5) Contact information for the person responsible for filing the "Annual Report," including:~~
 - ~~The name and title;~~
 - ~~The mailing address;~~
 - ~~The telephone and fax numbers; and~~
 - ~~The email address;~~
- ~~(6) The calendar year that is the subject of the report;~~

~~The names and titles of the principal officers of the CLEC;~~

~~An indication that the company is registered as a CLEC, a CTP, or both;~~

~~The CLEC's CTP authorization number, if applicable;~~

~~A list of company affiliates that provide telecommunication services in New Hampshire;~~

~~A brief description of the CLEC's services which generate New Hampshire revenue; and~~

~~The total of all New Hampshire revenues provided in (b) below.~~

~~(b) On the "Annual Report" the CLEC shall include an itemization, by retail and wholesale, of revenue in the following categories:~~

~~IntraLATA toll;~~

~~Toll revenue other than intraLATA toll;~~

~~Local service;~~

~~Access;~~

~~All other revenue not included in (1) through (4) above; and~~

~~The subtotal by retail and wholesale.~~

~~(c) On the "Annual Report" the CLEC shall include statistical data for the CLEC's New Hampshire operations, including:~~

~~Miles of fiber sheath and copper sheath;~~

~~Number of switches and their locations;~~

~~Locations of points of interconnection, with the name of the associated company and rate center for each; and~~

~~Number of voice equivalent lines for which customers are billed.~~

~~(d) On the "Annual Report" the CLEC shall include the following information:~~

~~Identification of New Hampshire operations of the CLEC that have been discontinued in any exchange during the past 12 months;~~

~~Whether the company has discontinued all its New Hampshire operations in the past 12 months;~~

~~Whether deposits for telephone service have been taken or required; and~~

~~Whether the company offers internet access to end users.~~

~~(e) If the CLEC has attained CLEC FX eligibility in any exchange, the CLEC shall affirm on the "Annual Report" that it continues to meet the requirements of the commission for CLEC FX eligibility in that exchange.~~

~~(f) If local services are provided, the CLEC shall attach a report of its local services including:~~

~~A list, in tabular format, of each service that is separately billed to customers on a line or number basis in each exchange.~~

~~For each New Hampshire exchange, the table required in (1) above shall include:~~

~~The exchange name;~~

~~The service provided;~~

~~Whether the service is for business or residential customers;~~

~~The type of provisioning; and~~

~~The number of subscriber lines or telephone numbers, whichever is appropriate, by type of provisioning.~~

~~The CLEC shall attach a balance sheet and an income statement for the year reported.~~

~~The CLEC shall include a sworn and notarized attestation that states that the annual report has been properly prepared and represents fairly the results of the company's operations.~~

~~The attestation pursuant to (h) above shall be signed and dated by the president and the treasurer of the CLEC.~~

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

~~Puc 449.05 Form CLEC-4 Quality of Service Report.~~

~~(a) On the "Quality of Service Report" required by Puc 433.06 the CLEC shall include:~~

~~(1) The CLEC's legal name;~~

~~(2) The trade name the CLEC uses with its customers;~~

~~(3) The CLEC's FEIN;~~

~~(4) The CLEC's authorization number;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~(6) The calendar year that is the subject of the report; and~~

~~(7) The printed name and title of the signatory.~~

~~(b) On the "Quality of Service Report" the CLEC shall include information regarding the installation of plain old telephone service (POTS) that indicates:~~

~~The average number of days between date of a request for service and installation of that service; and~~

~~The percentage of installation appointments which the CLEC failed to keep.~~

~~(c) On the "Quality of Service Report" the CLEC shall include a narrative explanation of any special circumstances and exceptions reflected in the service installation data reported by the CLEC.~~

~~(d) The "Quality of Service Report" shall include information regarding its repair service that indicates:~~

~~The average answer time to connect caller to repair service operator;~~

~~The percentage of calls to a repair number that are abandoned;~~

~~The percentage of service outages lasting longer than 24 hours;~~

~~The average length of repair time, which means the time elapsing from the time trouble is reported until the time trouble is cleared;~~

~~The percentage of repair appointments which the CLEC failed to keep; and~~

~~The average number of customer trouble reports per 100 access lines of the CLEC for the year.~~

~~(e) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

~~Puc 449.06 Form CLEC-5 Quality of Service Report Card.~~

~~(a) On the "Quality of Service Report Card" required by Puc 433.06 the CLEC shall include:~~

~~The CLEC's legal name;~~

~~The trade name the CLEC uses with its customers;~~

~~The CLEC's FEIN;~~

~~The CLEC's authorization number;~~

~~Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~d. Email address;~~

~~The calendar year that is the subject of the report;~~

~~The printed name and title of the signatory;~~

~~A general description of the CLEC's business;~~

~~A responsiveness score, representing the average number of days to complete an installation request, the percentage of installation appointments missed and the percentage of repair appointments missed;~~

~~An accessibility score, representing the average answer time of a call to repair (in seconds) and the percentage of repair calls that are abandoned; and~~

~~A reliability score, representing the percentage of service outages lasting longer than 24 hours and the average completion time for all repair requests (in hours).~~

~~For each of the scores in (9) through (11) above the "Quality of Service Report Card" shall include a narrative explanation of any special circumstances and exceptions reflected in the data reported by the CLEC.~~

~~The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 449.047 Form ~~CLECELEC~~-10 Application for Registration.

(a) On the "Application for Registration" required by Puc 431.01 the ~~CLECELEC~~ shall include:

- (1) The applicant's legal name;
- (2) The trade name the applicant will use with its New Hampshire customers;
- (3) The applicant's FEIN;
- (4) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (5) The printed name and title of the signatory; and
- (6) The date of application.

(b) The application shall include responses as to:

- (1) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has ever been convicted of any felony that has not been annulled by a court.
- (2) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation.
- (3) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have settled any civil, criminal or regulatory investigations or complaints.
- (4) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation.
- (5) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has been denied registration or authorization, or had registration or authorization revoked, in any other state or jurisdiction.

(c) If an affirmative answer is given to any item in (b) above, the applicant shall provide an explanation of the event and the relevant states or jurisdictions.

(d) The applicant shall list 3 primary telecommunications services the applicant will offer in New

Hampshire.

(e) The applicant shall identify its proposed service area.

(f) The applicant shall attest to the following statements:

(1) The applicant agrees to comply with, and shall operate in accordance with, all provisions and requirements of all applicable statutes, rules and orders;

(2) The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying (including the resources to provide basic service and assume the obligations of an ILEC, if seeking to provide service in the territory of an exempt ILEC); and

(3) The applicant's intraLATA switched access rates in an ILEC territory will not exceed the rates, approved by the commission, for the ILEC serving that territory,

(g) The applicant shall attach a copy of the company's Secretary of State Certificate of Authority, pursuant to Puc 402.47.

~~(h) The applicant shall attach proof of a surety bond, if applicable, pursuant to Puc 431.04.~~

(i) The applicant shall attach a completed Form CLECELEC-1 Contact Information, as described in Puc 449.02.

~~(j) The applicant shall attach its complete rate schedule, pursuant to Puc 431.06.~~

~~(k) The applicant shall attach Form CLEC 11 Intent to Use Uniform Tariff, if it elects to adopt the uniform tariff.~~

(j) If the applicant is seeking to provide service in the territory of a exempt ILEC, shall certify that

(1) it will provide basic service, as defined in Section Puc 402.05, on a timely basis throughout the local exchange service territory of the Exempt ILEC to all customers making a reasonable request for service, either using its own facilities or a combination of its own facilities and resale of another carrier's services; and

(2) it will not at any time oppose any commission request to the Federal Communications Commission, pursuant to 47 U.S.C. § 251(h)(2), that the applicant be treated as the ILEC within the local exchange service territory of an Exempt ILEC.

~~(l)(k)~~ The applicant shall include a sworn and notarized attestation that states that the application and its attachments are complete, true and accurate, and fairly represent the applicant and its qualifications.

~~(m)(l)~~ The attestation pursuant to (l) above shall be signed and dated by the authorized representative of the applicant.

~~—The "Application for Registration" shall include notice that the applicant shall forfeit its CLEC authorization if it fails to file an annual report pursuant to Puc 431.09.~~

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

Puc 449.08 Form CLEC 11 Intent to Use Uniform Tariff.

~~(a) On the “Intent to Use Uniform Tariff,” referred to in Puc 431.05, the CLEC shall include:~~

~~(1) The CLEC’s legal name;~~

~~(2) The trade name the CLEC uses with its customers;~~

~~(3) The CLEC’s FEIN;~~

~~(4) The CLEC’s authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~(6) The printed name and title of the signatory;~~

~~(7) A declaration of intent to use the uniform tariff; and~~

~~(8) The effective date.~~

~~(b) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual’s knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 449.059 Form CLECELEC-12 Initiation of Operations.

(a) On the “Initiation of Operations” required by Puc 431.12 the CLECELEC shall include:

(1) ~~(1)~~ The CLECELEC’s legal name;

(2) ~~(2)~~ The trade name the CLECELEC uses with its customers;

(3) ~~(3)~~ The CLECELEC’s FEIN;

(4) ~~(4)~~ The CLECELEC’s authorization number;

(5) ~~(5)~~ Contact information for the person responsible for the information on the form, to include:

a. The name and title;

b. The mailing address;

c. The telephone and fax numbers; and

d. Email address;

(6) ~~(6)~~ The printed name and title of the signatory;

- (7) ~~(7)~~The date services were first provided; and
- (8) ~~(8)~~A brief description of the services provided.

(b) The authorized representative of the ~~CLECELEC~~ shall:

- (1) Sign and date the form; and
- (2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

~~Puc 449.10 Form CLEC 25 Rate Schedule Cover Sheet.~~

~~(a) On the "Rate Schedule Cover Sheet" required by Puc 431.06 the CLEC shall include:~~

~~The CLEC's legal name;~~

~~The trade name the CLEC uses with its customers;~~

~~The CLEC's FEIN;~~

~~The CLEC's authorization number, or date of application if the authorization number is not yet available;~~

~~Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address; and~~

~~The printed name and title of the signatory.~~

~~(b) The CLEC shall attach its rate sheet, including:~~

~~(1) For each service offered by the CLEC, the following information:~~

~~The name of the service, as it will appear on customer bills;~~

~~The name of the service as it will appear on company provisioning documents, if different;~~

~~A brief description of service;~~

~~The price at which the service is offered; and~~

~~The date on which the price is effective.~~

~~(c) Any rate schedule of more than 10 pages shall include:~~

~~A table of contents; and~~

~~Numbered pages.~~

(d) ~~The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 449.11 Form CLEC 30 Utility Accident Report.

(a) ~~On the "Utility Accident Report" required by Puc 431.18 the CLEC shall include:~~

~~The CLEC's legal name;~~

~~The trade name the CLEC uses with its customers;~~

~~The CLEC's FEIN;~~

~~The CLEC's authorization number;~~

~~Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~The printed name and title of the signatory;~~

~~A designation as to whether the report is a 10-day report, a supplemental report, a negative report or a quarterly report; and~~

~~The report number and date of the report.~~

(b) ~~The CLEC shall report information regarding reportable accidents including:~~

~~The date of the accident;~~

~~The location of the accident;~~

~~An indication of whether the accident resulted in a significant service outage;~~

~~A description of the cause of the accident;~~

~~A description of the extent of any property damage;~~

~~The name of any injured person;~~

~~The injured person's relationship to the utility, if any;~~

~~A description of the nature of injuries;~~

~~An indication of whether any injury was fatal;~~

~~The date of death of any person, if applicable;~~

~~A previous report number, if applicable;~~

~~An indication of whether the accident involved electric contact;~~

~~An indication of whether any pole involved in the accident was licensed and properly located; and~~

~~An indication of whether any pole anchor involved in the accident was licensed and properly located.~~

~~(e) In the event the CLEC answers negatively to (b)(13) or (14) above, the CLEC shall provide:~~

~~A copy of the relevant pole license; and~~

~~A diagram showing the locations of the pole or anchor(s) as they are licensed and as they are actually located.~~

~~(d) The CLEC shall attach the following:~~

~~A diagram of the accident;~~

~~A police report of the accident, if available; and~~

~~A doctor's report on any injured person, if available. (e) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

~~Puc 449.12 Form CLEC 34 Discontinuance of Operations.~~

~~(a) On the "Discontinuance of Operations" form required by Puc 431.14 the CLEC shall contain:~~

~~(1) The CLEC's legal name;~~

~~(2) The trade name the CLEC uses with its customers;~~

~~(3) The CLEC's FEIN;~~

~~(4) The CLEC's authorization number;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~The email address;~~

~~(6) The number of New Hampshire customers affected;~~

~~(7) The number of New Hampshire residential customers affected;~~

~~(8) The printed name and title of the signatory; and~~

~~(9) The effective date of discontinuance.~~

~~(b) On the form the CLEC shall attest that:~~

~~The filing of the “Discontinuance of Operations” form does not, by itself, constitute authority to discontinue any service; and~~

~~The CLEC shall provide written notice to customers, as provided in Puc 431.14 (b).~~

~~(c) The CLEC shall attach:~~

~~A copy of the CLEC’s notice to its customers; and~~

~~Evidence that all CLEC customers have received refunds for any and all credits, deposits, or prepayments due them.~~

~~(d) The authorized representative of the CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual’s knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 449.0613 Form CLECELEC-35 Withdrawal of Application or Authorization.

(a) On the “Withdrawal of Application or Authorization” form required by Puc 431.03 the CLECELEC shall include:

- (1) The CLECELEC’s legal name;
- (2) The trade name the CLECELEC uses with its customers;
- (3) The CLECELEC’s FEIN;
- (4) The CLECELEC’s authorization number, or date of application if the authorization number is not yet available;
- (5) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address;
- (6) The printed name and title of the signatory; and
- (7) The proposed date of withdrawal as a business entity in New Hampshire.

~~(e) —(b) (b) The CLEC shall affirm that:~~

~~(d) The CLEC has never served customers in New Hampshire;~~

~~(e) The CLEC owes no New Hampshire end user any deposits or refunds;~~

~~(f) The CLEC's rate schedule is withdrawn; and~~

~~(g) The CLEC's intent to use the uniform tariff, if applicable, is withdrawn.~~

~~(h) —~~

(+) On the form the ~~CLECELEC~~ shall include a sworn and notarized attestation that states that information on the form is true and correct to the best of the individual's knowledge and belief and that the signatory has the responsibility and authority to make the attestation.

~~(j)(c)~~ The attestation pursuant to (c) above shall be signed and dated by the authorized representative of the ~~CLECELEC~~.

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

Puc 449.07+4 Form ~~CLECELEC~~-36 Transfer of Customer Base.

(a) On the "Transfer of Customer Base" form required by Puc 441.02 the ~~CLECELEC~~ shall include:

(1) Information regarding both the transferor and transferee, including:

- a. The ~~CLECELEC~~'s legal name;
- b. The trade name the ~~CLECELEC~~ uses with its customers;
- c. The ~~CLECELEC~~'s FEIN;
- d. The ~~CLECELEC~~'s authorization number or date of application if the authorization number is not yet available; and
- e. Contact information for the person responsible for the information on the form, to include:

1. The name and title;
2. The mailing address;
3. The telephone and fax numbers; and
4. Email address;

(2) The printed name and title of the signatory;

(3) The number of New Hampshire customers affected;

(4) The effective date of the transfer; and

(5) The name under which the transferee will be providing service in New Hampshire.

(b) The transferee shall attach an updated Form ~~CLECELEC~~-1 Contact Information for the transferee.

(c) The authorized representative of each ~~CLECELEC~~ shall:

(1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

Puc 449.15 ~~Form CLEC 37 Change in Ownership.~~

~~(a) On the "Change in Ownership" form required by Puc 441.03 the CLEC shall include:~~

~~(1) Information regarding both the transferor and transferee, including:~~

~~a. The CLEC's legal name;~~

~~b. The trade name the CLEC uses with its customers;~~

~~c. The CLEC's FEIN;~~

~~d. The CLEC's authorization number, or date of application if the authorization number is not yet available;~~

~~e. Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~f. The printed name and title of the signatory;~~

~~(2) The number of New Hampshire customers affected;~~

~~(3) The effective date of the transfer; and~~

~~(4) The name under which the transferee will be providing service in New Hampshire.~~

~~(b) The transferee shall attach an updated Form CLEC 1 Contact Information for the transferee.~~

~~(c) The authorized representative of each CLEC shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

(a) On the “~~CLECELEC~~ FX Eligibility Reporting” form required by Puc 434.04(a)(7) the ~~CLECELEC~~ shall include:

- (1) The ~~CLECELEC~~’s legal name;
- (2) The trade name the ~~CLECELEC~~ uses with its customers;
- (3) The ~~CLECELEC~~’s FEIN;
- (4) The ~~CLECELEC~~’s authorization number;
- (5) Contact information for the person responsible for the information on the form, to include:
 - a. The name and title;
 - b. The mailing address;
 - c. The telephone and fax numbers; and
 - d. Email address; and
- (6) The printed name and title of the signatory.

(b) The ~~CLECELEC~~ shall quantify its services that qualify it for ~~CLECELEC~~ FX eligibility by providing, in tabular format, the following information:

(1) The ~~CLECELEC~~ shall provide information for each exchange from which the ~~CLECELEC~~ has:

- a. Ported telephone numbers assigned to its customers;
- b. Blocks of telephone numbers assigned to the ~~CLECELEC~~; or
- c. Applied for blocks of telephone numbers.

(2) For each exchange pursuant to (1) above, the ~~CLECELEC~~ shall provide the following information:

- a. The exchange name, pursuant to the municipality name used by the ILEC;
- b. The relevant NXX number;
- c. The NXX thousands-block ID(s), if applicable;
- d. Whether the company has collocation with the ILEC in that exchange;
- e. If the answer to (d) above is no, provide the number of ~~CLECELEC~~ customers for each type of provisioning:
 1. A ~~CLECELEC~~-owned copper loop;
 2. A ~~CLECELEC~~-owned fiber loop;
 3. Enhanced extended loops, or EELs; and

4. Customer information including name, address and telephone number for a representative customer in the exchange.

(c) The authorized representative of each CLECELEC

shall: (1) Sign and date the form; and

(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

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

~~PART Puc 450 COMPETITIVE INTRALATA TOLL PROVIDERS (CTPs)~~

~~Puc 450.01 Purpose. The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for CTPs in order to enable CTPs to comply with relevant statutes and commission orders.~~

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

~~Puc 450.02 Application of Rules:~~

- ~~(a) CTPs shall comply with Puc 450 through 469.~~
- ~~(b) ILEC affiliates who are CTPs shall be subject to the rules herein.~~
- ~~(c) CLECs who are CTPs shall be subject to the rules herein.~~
- ~~(d) The following commission rules shall apply to CTPs:~~
 - ~~(1) Puc 102, relative to definitions of terms;~~
 - ~~(2) Puc 200, procedural rules;~~
 - ~~(3) Puc 402, relative to definitions of terms;~~
 - ~~(4) Puc 800, underground utility damage protection program; and~~

~~Puc 1200, uniform administration of utility customer relations.~~

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

~~Puc 450.03 Definitions:~~

~~(a) "Market share" means the ratio of a company's intrastate toll revenue to the total of all companies' intrastate toll revenue, as reported on the current annual reports, expressed as a percentage.~~

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

~~PART Puc 451 CTP REGULATORY REQUIREMENTS~~

Puc 451.01 Registration.

~~(a) No person or entity shall offer toll service in New Hampshire unless and until that person or entity is registered as a CTP.~~

~~(b) Before commencing operations as a CTP in New Hampshire, the entity proposing to provide CTP service shall register with the commission and receive its CTP authorization number.~~

~~(1) — (c) An ILEC operating as a CTP prior to December 31, 2003, shall not be required to register pursuant to this part.~~

~~(2) — (d) To register with the commission a CTP shall file Form CTP-10 Application for Registration, as described in Puc 469.05.~~

~~(3) — (e) On the “Application for Registration” the CTP shall include as attachments:~~

~~(4) — A completed Form CTP-1 Contact Information;~~

~~A completed Form CTP-11 Intent to Use Uniform Tariff, if the CTP wishes to use the uniform tariff pursuant to Puc 451.04; and~~

~~A rate schedule pursuant to 451.05.~~

~~(f) Unless the commission denies an application for CTP registration pursuant to Puc 451.02, it shall issue a CTP authorization number.~~

~~(g) Any authorization number obtained by a CTP under this part is non transferable.~~

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

Puc 451.02 Denial of Registration.

~~(a) The commission shall deny an application for registration if it determines that the applicant or its general partners, corporate officers, director of the company, limited liability company managers or officers:~~

~~(1) — Have committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 451.14(b);~~

~~(2) — Have, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;~~

~~(3) — Knowingly made a material false statement of fact in the application; or~~

~~(4) — Demonstrated on its application such flagrant or repeated violations of the requirements to operate as a utility or a toll provider in other state(s) that the commission determines that it is not in the public good to allow registration.~~

~~(b) In determining whether to deny an application for registration, the commission shall consider whether the crime or act referred to in (a) above is substantially related to the qualifications, functions or~~

duties required to provide CTP services.

~~(c) In the event that the commission denies an application for registration, the applicant shall be permitted to file a request for reconsideration within 30 days.~~

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

Puc 451.03 Withdrawal of Application or Authorization.

~~(a) A CTP may withdraw its application or authorization prior to serving customers in New Hampshire so long as the CTP has no outstanding obligations to any New Hampshire end user.~~

~~(b) A CTP wishing to withdraw shall file Form CTP-35 Withdrawal of Application or Authorization, as described in Puc 469.10.~~

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

Puc 451.04 Uniform Tariff.

~~A CTP which elects to use the uniform tariff shall do so by submitting Form CTP-11 Intent to Use Uniform Tariff, as described in Puc 469.06.~~

~~A CTP which elects to use the uniform tariff shall not file the actual text of the uniform tariff with the commission.~~

~~A CTP which uses the uniform tariff shall not alter or rearrange the content of the uniform tariff in any way.~~

~~A CTP that is not an ILEC with tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006, to bring existing tariffs into compliance with this section.~~

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

Puc 451.05 Rate Schedule.

~~A CTP that is not an ILEC shall file a rate schedule with the commission using Form CTP-25 Rate Schedule Cover Sheet, as described in Puc 469.08.~~

~~Any rate schedule filed pursuant to (a) above, shall not include any terms, conditions or limitations of liability.~~

~~If a CTP chooses to establish terms, conditions and limitations of liability different from the uniform tariff it shall do so through individual contracts with its customers.~~

~~A CTP shall not include any provisions in its rate schedule(s) which are inconsistent with applicable commission rules or statutory requirements.~~

~~As to any rate schedule filed with the commission by a CTP:~~

~~The commission shall maintain the CTP's rate schedule(s) on file for informational purposes;~~

~~The filing of a rate schedule shall not create a presumption that the commission has either reviewed or approved the rates;~~

~~(3) The commission shall presume the rates are just and reasonable unless and until a complaint is raised by any person affected by the change at which time the rate schedule(s) shall be subject to review; and~~

~~A CTP shall file its complete rate schedule biennially, in each even-numbered year.~~

~~The commission shall accept rate schedules filed in an electronic format that is compatible with the commission's electronic filing capability.~~

~~In the event that terms, conditions or limitations on liability are included in a rate schedule filed with the commission, such terms, conditions and limitations on liability shall have no effect.~~

~~A CTP that is not an ILEC, with rate schedules or tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006, to replace its existing tariffs with rate schedules or bring existing rate schedules into compliance with this section.~~

~~A CTP that is an ILEC shall file a tariff pursuant to Chapter Puc 1600.~~

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

~~Puc 451.06 Changes in Prices and Services.~~

~~(a) A CTP that is not an ILEC shall notify the commission of any proposed changes in prices or services offered by filing an amended Form CTP-25 Rate Schedule Cover Sheet, including only the rate sheet(s) revised by the change, at least 1 day in advance of the proposed effective date of any of the following:~~

~~The introduction of a new service offering;~~

~~The deletion of an existing service offering;~~

~~A price change; or~~

~~Any change to the name, description, or other aspect of an existing service.~~

~~(b) A CTP that is an ILEC shall notify the commission of any proposed changes in prices or services offered by filing a tariff pursuant to Chapter Puc 1600.~~

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

~~Puc 451.07 Annual Report.~~

~~A CTP shall file Form CTP-3 Annual Report, as described in Puc 469.04, each year, regardless of whether it has initiated operations or has any operating revenues in New Hampshire.~~

~~A CTP which is also a CLEC shall file one combined annual report covering the operation of both entities.~~

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

Puc 451.08 Assessment.

~~(a) A CTP shall file Form CTP-2 Assessment Report, as described in Puc 469.03, annually.~~

~~(b) A CTP which is also a CLEC shall file one combined assessment report covering the operation of both entities.~~

~~(c) The commission shall assess a CTP pursuant to RSA 363-A:2.~~

~~(d) A CTP shall remit such assessment to the commission, pursuant to RSA 363-A:4.~~

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

~~Puc 451.09 Contact Information. A CTP shall file Form CTP-1 Contact Information, as described in Puc 469.02, both annually, and within 30 days of any change of the information on the "Contact Information" form.~~

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

~~(a) Puc 451.10 Conditions of Operation.~~

~~(b) A CTP shall exercise its CTP authorization by providing telecommunications service to at least one retail customer no later than 2 years from the date of issuance, or forfeit its CTP authorization.~~

~~(c) A CTP shall file Form CTP-12 Initiation of Operations, described in Puc 469.07, when the CTP first acquires and provides service to an end user in New Hampshire.~~

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

Puc 451.11 Forfeiture of Authorization.

~~A CTP failing to file an annual report for 2 successive years shall, after notice from the commission, forfeit its authority to operate.~~

~~A CTP filing an annual report which indicates no activity in New Hampshire for 2 successive years following its registration shall, after notice from the commission, forfeit its authority to operate.~~

~~A CTP forfeiting its authorization under this section shall discontinue operations pursuant to Puc 451.12.~~

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

Puc 451.12 Discontinuance of Operations.

~~(a) A CTP who has commenced operations in New Hampshire shall, at least 14 days prior to ceasing operations notify the commission of its intent to cease operations by filing:~~

~~(1) A Form CTP-34 Discontinuance of Operations described in Puc 469.09; and~~

~~(2) A copy of its notice to customers as required by (b) below.~~

~~(b) A CTP who has commenced operations in New Hampshire shall, at least 14 days prior to ceasing operations notify its customers, pursuant to Puc 452.01, of cessation of operations, such notification to include:~~

~~Notice that the CTP shall discontinue providing CTP services to the customer;~~

~~A statement that, in order to have an intraLATA toll service provider, the customer shall select an alternate CTP; and~~

~~The time period, which shall not be less than 14 days from notification, within which the customer shall make a selection of a new CTP.~~

~~(c) A CTP shall refund to its customers any applicable amounts owed prior to cessation of operations.~~

~~(d) A CTP shall satisfy its outstanding obligations to other carriers for New Hampshire services.~~

~~(e) The commission shall post on its website a list of CTPs who have filed a "Discontinuance of Operations."~~

~~(f) The commission shall approve a CTP's request to cease operations upon finding that the CTP has made adequate provisions for discontinuance of operations, pursuant (a) and (b) above.~~

~~(g) No later than 10 days after ceasing operations, a CTP shall provide to the commission:~~

~~A sworn statement that the CTP has ceased providing service to all its New Hampshire customers; and~~

~~Evidence that all the CTP's customers have been sent refunds of any and all deposits or prepayments that may be owed them.~~

~~(h) If the commission determines that a CTP has not made adequate provisions for discontinuance of service or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.~~

~~(i) When the commission determines that a CTP has not made adequate provisions for notifying its customers the CTP shall provide to the commission a list of the names and addresses of the end users affected by the termination.~~

~~(j) Nothing in (i) above shall prevent any third party from exercising any rights it may have against the CTP, whether under contract, at law, or in equity.~~

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

~~Puc 451.13 Notice of Bankruptcy. A CTP shall notify the commission in writing when it files for bankruptcy within 1 business day following its filing with the bankruptcy court.~~

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

~~Puc 451.14 Violation of Rules.~~

~~(a) If, after notice and opportunity to be heard the commission determines that good cause exists, it shall issue an order:~~

- ~~(1) Revoking, suspending, modifying or imposing conditions upon its CTP authorization;~~
- ~~(2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28 a, II or RSA 378:46 or a combination thereof;~~
- ~~(3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or~~
- ~~(4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.~~

~~(b) For the purposes of this section, good cause shall include but not be limited to the following actions~~

by a CTP:

- ~~(1) Conducting business in an unfair or deceptive manner;~~
- ~~(2) Consistent or flagrant violation of applicable statutes, commission rules or commission orders;~~
- ~~(3) Slamming, in violation of RSA 374:28-a;~~
- ~~(4) Cramming, in violation of RSA 378:46; or~~

~~Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.~~

~~(c) The commission shall determine which consequences set forth in (a) above are most applicable after considering:~~

- ~~(1) The nature of the infraction;~~
- ~~(2) The severity of the infraction; and~~
- ~~(3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.~~

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

~~PART Puc 452 CTP CUSTOMER RELATIONS~~

~~Puc 452.01 CTP Notices to Customers.~~

~~(a) Unless otherwise specified, any notice to customers required by these rules shall:~~

~~Include the company name and relevant contact telephone number;~~

~~Be provided:~~

~~In a separate mailing;~~

~~As a bill insert; or~~

~~e. By clear and conspicuous notice printed on the customer's bill; and~~

~~Be sent separately from communications that would otherwise include only promotional materials.~~

~~Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically.~~

~~Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.~~

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

~~Puc 452.02 Bill Forms.~~

~~(a) Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.~~

~~(b) Each bill shall show all factors as are necessary, so that the charges may be readily understood from~~

~~the information appearing on the bill.~~

~~(c) Each bill shall indicate the following:~~

~~(1) The date of the current bill;~~

~~(2) For those utilities which charge interest and/or late charges after the due date:~~

~~The due date, as defined in Puc 402.15; and~~

~~Any applicable penalty approved in the utility's tariff or rate schedule, as applicable;~~

~~(3) Any applicable discount;~~

~~(4) The charges;~~

~~(5) The toll free customer service telephone number of the utility;~~

~~(6) A statement directing customers to contact the utility regarding bill questions; and~~

~~(7) A statement that customer may call the commission for further assistance after first attempting to resolve disputes with the utility.~~

~~(d) All payments made at an authorized payment agency of the utility shall be credited to the customer's account and posted effective the date payment is rendered to the authorized payment agency.~~

~~(e) Bills shall be delivered:~~

~~Via US postal service; or~~

~~Via an electronic billing system when offered by the utility and elected by the customer.~~

~~(f) Each utility shall maintain and make available to the commission upon request an accurate account of all utility charges for service billed to each customer and shall maintain records showing the information from which each bill may be readily computed.~~

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

Puc 452.03 Application of Payments. ~~If a CTP provides that customers may pay bills to an authorized payment agent, as defined in Puc 402.03, of the CTP, the CTP shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agent.~~

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

Puc 452.04 Notice to Customers of Changes in Rates.

~~(a) Prior to the effective date of any rate increase, a CTP shall notify all affected customers of the increase pursuant to Puc 452.01.~~

~~(b) The notice required in (a) above shall include:~~

~~The new rate; and~~

~~The effective date of the rate increase.~~

~~(c) In order for a change in the price of an existing CTP service to become effective, a CTP shall file the changed rate with the commission at least one day before the new rate's proposed effective date.~~

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

Puc 452.05 Slamming Prohibited:

(a) ~~A CTP shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.~~

(b) ~~If, after notice and opportunity for hearing, the commission finds a CTP has switched a subscriber's selection of carrier without authorization, the CTP shall be subject to an administrative fine, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a,II.~~

(c) ~~For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission shall issue an order pursuant to Puc 451.14.~~

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

Puc 452.06 Cramming Prohibited:

(a) ~~A CTP shall not engage in cramming.~~

(b) ~~If, after notice and opportunity for hearing, the commission finds a CTP has engaged in cramming, the CTP shall be subject to an administrative fine not to exceed \$1,000 per offense, pursuant to RSA 378:46.~~

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

Puc 452.07 Confidentiality Requirements:

(a) ~~A CTP shall treat all communications between customers as confidential unless, and to the extent, authorized by the commission, or state or federal law.~~

(b) ~~No CTP operators, employees or agents shall, except when a technical necessity exists:~~

~~Listen to any telephone conversation between customers; or~~

~~Monitor the content of non-voice communication such as data.~~

(c) ~~Employees, including operators and agents of a CTP, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the CTP, unless and to the extent authorized by the commission or by state or federal law.~~

(d) ~~A CTP shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.~~

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

Puc 452.08 Disconnection of Residential Service and Non-Residential Service:

(a) ~~For customer initiated disconnections of toll service, a CTP may require a residential customer to:~~

~~Provide one business day notice of intent to discontinue service; and~~

~~Be responsible for all charges until expiration of the notice period referred to in (1) above.~~

~~(b) For all other disconnections of toll service, a CTP may disconnect service in conformance with this section when:~~

~~The customer has failed to pay any undisputed bill for toll service within 30 days from the bill date unless the customer has established a payment arrangement with the CTP;~~

~~The customer, resident in the customer's household, or employee of the customer's business has fraudulently used or procured toll service; or~~

~~The disconnection is in accordance with the terms and conditions of the contract for service provided by the CTP to the customer.~~

~~(c) A CTP shall not disconnect a customer or remove a customer from the customer's selected calling plan if the CTP bills for toll service in advance and the service has not yet been provided.~~

~~(d) Notice of disconnection shall be provided to customers verbally or in writing no fewer than 5 days and no more than 14 days prior to the proposed disconnection date.~~

~~(e) When a CTP disconnects a customer at the customer's request, the CTP shall: (1) Block the customer from its system so that:~~

~~The calls placed by the customer will no longer be carried over the CTP's network; and~~

~~The block blocks only the customer's access to the CTP's network and does not block the customer's access to the networks of other CTPs; and~~

~~(2) Advise the customer to contact their LEC to remove the IXC as the customer's primary interexchange carrier.~~

~~(f) Except as provided in (g) below, when a CTP disconnects a customer for non-payment of toll service, the CTP shall:~~

~~(1) Block the customer from its system so that:~~

~~The customer cannot complete a call on the CTP's network; and~~

~~The block blocks only the customer's access to the CTP's network and not the customer access to the networks of other CTPs; and~~

~~(2) Notify, within 1 business day, the ILEC or CLEC which provides the customer's basic service of:~~

~~The block on the customer's phone; and~~

~~Any subsequent restoration of service to the customer.~~

~~(3) Remove the block and restore the customer's toll service including the restoration of the customer's selected calling plan once payment has been received or the CTP and the customer have agreed to a payment arrangement.~~

~~(g) When a CTP that bills its customers through the LEC and has an agreement with the LEC whereby the LEC purchases or otherwise assumes the receivables of the CTP disconnects a customer for nonpayment of toll service, the CTP shall direct the LEC to:~~

~~(1) Restrict the customer's access to the toll network as follows:~~

~~a. If the LEC has capability to selectively block toll providers, block the customer from the CTP's system so that:~~

~~The calls placed by the customer will no longer be carried over the CTP's network; and~~

~~The block blocks only the customer's access to the CTP's network and does not block the customer's access to the networks of other CTPs; or~~

~~b. If the LEC does not have the capability to selectively block toll providers, globally block the customer from the toll network so that the calls placed by the customer will no longer be carried over the toll network by any CTP; and~~

~~(2) Immediately restore the toll service of the customer;~~

~~Upon the customer notifying the CTP that the entire amount of the toll charges is in dispute;~~

~~Upon full payment of undisputed toll charges; or~~

~~c. Upon the customer having entered into a payment arrangement with the CTP in accordance with 1203.07 for the undisputed toll charges.~~

~~Unless otherwise requested by the customer, a CTP shall only disconnect service to its customers between 8:00 am and 3:00 pm eastern time.~~

~~Unless otherwise requested by the customer, a CTP shall not disconnect service to customers during the hours specified in (h) above if the disconnection would occur on:~~

~~A state or federal holiday;~~

~~The day preceding a state or federal holiday;~~

~~A day the commission is closed to the public; or~~

~~The day preceding a day the commission is closed to the public.~~

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

Puc 452.09 Disconnection Conferences with Customer:

~~At the request of a customer, a utility shall provide the customer with the opportunity for a conference with the utility if the request is made prior to the proposed date of disconnection of service specified in the disconnect notice.~~

~~If a customer contacts the utility on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the utility.~~

~~If a customer contacts the utility either 1 or 2 days prior to the scheduled disconnection date requesting a conference, the utility shall schedule a conference no later than 3 business days after the request.~~

~~If the customer contacts the utility as provided in (a) and (c) above and schedules a conference, the utility shall not disconnect service until the utility has notified the customer of the outcome of the conference.~~

~~At the option of the CTP, a disconnection conference may be conducted by telephone.~~

~~During the conference if the customer and the utility cannot agree on a resolution, the utility shall inform the customer of the customer's right to request a conference with the commission staff.~~

~~In order to request a conference with the commission staff, a customer shall:~~

~~(1) Make the request with the commission's consumer affairs division before the later of:~~

~~The scheduled disconnection date; or~~

~~The fifth business day following utility notification to the customer of the outcome of the utility's conference with the customer; and~~

~~(2) Make the request to the commission's consumer affairs division in writing, in person, or by telephone.~~

~~(h) Each utility shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.~~

~~(i) Upon the customer's request for a conference with the commission staff pursuant to (g) above:~~

~~The commission staff shall notify the utility of the customer's timely made request;~~

~~The utility shall forward to the commission's consumer affairs division a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference along with any other information the commission staff may request; and~~

~~The utility shall not disconnect service until the commission notifies the utility of the outcome of the commission staff's conference with the customer.~~

~~(j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the utility shall continue service to the customer until such time as the commission determines whether disconnection is justified.~~

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

~~Puc 452.10 Disconnection of Associated Services.~~

~~For the purposes of this section, "associated service" means toll service provided to an additional existing telephone line by the same toll provider to the same customer at the same location for the same classification of service.~~

~~A CTP may disconnect the toll service of a customer for non-payment of toll service on another line.~~

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

~~PART Puc 453 CTP EQUIPMENT AND FACILITIES~~

~~Puc 453.01 Construction, Installation and Maintenance of Physical Plant.~~

~~(a) — A CTP shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2002 edition, and the National Electrical Code as adopted by RSA 155-A:1, IV.~~

~~(b) — A CTP shall construct, install and maintain its plant, structures, equipment and lines to prevent interference with service furnished by other carriers or by other public service facilities, such as cable TV, fire alarm, electric, water, sewer, gas or steam facilities.~~

~~—— A CTP shall periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.~~

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

Puc 453.02 Quality of Service Standards.

~~A CTP shall have sufficient equipment to handle traffic.~~

~~A CTP shall provide sufficient interoffice channels to handle the traffic without delay.~~

~~A CTP shall provide interexchange trunks which shall be engineered on the basis of not exceeding one failed call per 100 calls during any normal busy hour.~~

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

PART Puc 454 CTP REPORTS AND FILINGS

Puc 454.01 One Time Filings Required for Prospective and New CTPs.

~~(a) A CTP shall file Form CTP-10 Application for Registration when it is applying to provide service in New Hampshire.~~

~~(b) A CTP shall file Form CTP-11 Intent to Use Uniform Tariff when it elects to use the uniform tariff pursuant to Puc 451.04.~~

~~(c) A CTP shall file Form CTP-12 Initiation of Operations when it serves its first revenue-producing customer in New Hampshire.~~

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

Puc 454.02 Biennial Reports. ~~A CTP shall file a complete rate schedule, using Form CTP-25 Rate Schedule Cover Sheet, biennially on or before March 31 of each even-numbered year.~~

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

Puc 454.03 Annual Reports.

~~Unless otherwise specified in this part, reports filed annually are due on or before March 31 of each year, and shall cover the most recent calendar year.~~

~~A CTP shall file the following commission reports annually:~~

~~Form CTP-1 Contact Information;~~

~~Form CTP-2 Assessment Report; and~~

~~Form CTP-3 Annual Report.~~

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

Puc 454.04 Other Reports.

~~(a) A CTP shall file the following reports with the commission within 30 days of the event that necessitates the filing:~~

~~(1) —~~

~~(2) A Form CTP 1 Contact Information, with respect to any changes in the information on the CTP's most recently filed "Contact Information;"~~

~~(3) A Form CTP 34 Discontinuance of Operations, with respect to discontinuing the CTP's operations pursuant to 451.12;~~

~~(4) A Form CTP 35 Withdrawal of Application or Authorization, when a CTP seeks to withdraw its application for registration, or withdraw its authorization to provide service, in the instance where it has no customers in the state, pursuant to Puc 451.03;~~

~~(5) A Form CTP 36 Transfer of Customer Base, when a CTP is transferring its customer base to another entity, pursuant to Puc 458.01; and~~

~~— A Form CTP 37 Change in Ownership, when a CTP is undergoing a change in ownership, pursuant to Puc 458.02.~~

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

~~Puc 454.05 Submitting Reports and Forms:~~

~~(a) A CTP shall submit all required reports and forms to the commission by the following methods:~~

~~(1) Mail or other delivery to:~~

~~New Hampshire Public Utilities
Commission 21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or~~

~~(2) Electronic report filing as the commission shall provide on the commission website.~~

~~(b) A CTP making an electronic filing pursuant to (a)(2) above shall comply with Puc 202.08 regarding filing requirements.~~

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

~~Puc 454.06 Confidential Treatment. A CTP which seeks~~

~~confidential treatment of part or all of any of the~~

~~reports or forms required by this section shall do~~

~~so pursuant to RSA 378:43.~~

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

~~PART Puc 455 CTP INTERCARRIER OBLIGATIONS~~

~~Puc 455.01 Switching and Signaling Obligations:~~

~~(a) A CTP shall provide reasonable access to all signaling information pursuant to industry protocols.~~

~~(b) A CTP shall not interfere with the transmission of signaling information.~~

~~A CTP shall protect Customer Proprietary Network Information (CPNI) at least to the level required by FCC regulations.~~

~~(d) A CTP shall communicate, both on a demand and preventative basis, information regarding~~

~~maintenance necessary to insure successful call completion.~~

~~(e) A CTP shall convey Automatic Number Identification (ANI) to other carriers as it was received by the CTP.~~

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

~~Puc 455.02 Trouble Reporting and Resolution Obligations:~~

~~A CTP shall ensure that trouble reports are directed to the correct carrier(s) in a timely manner.~~

~~A CTP receiving a trouble report from its customer regarding the non-completion of a call shall accept, report and coordinate the resolution of that trouble.~~

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

~~PART Puc 456 CTP OPERATOR SERVICES Puc 456.01 Provision of Service:~~

~~(a) A CTP that provides operator services shall orally identify itself by name prior to the connection of the telephone call.~~

~~(b) A CTP that provides operator services shall provide the following information immediately, audibly and distinctly to the telephone user, upon request and at no charge:~~

~~(1) Sufficient information to enable the customer to determine the total cost of the call that will be billed by or on behalf of the CTP, which shall include:~~

~~The per minute rate;~~

~~Any and all surcharges; and~~

~~Any other charge associated with the call, excluding taxes; and~~

~~(2) The methods by which complaints concerning such rates, charges or collection practices will be resolved.~~

~~(c) A CTP that provides operator services shall instruct telephone users that they may obtain applicable rate and surcharge quotations required by (b) above, either by:~~

~~Dialing no more than 2 digits; or~~

~~Remaining on the line.~~

~~(d) A CTP that provides operator services shall permit the telephone user to terminate the telephone call before the commencement of any charges.~~

~~(e) Where a CTP provides operator services that allow third party calls, the CTP shall:~~

~~(1) Require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred; and~~

~~(2) Require its operators to obtain such verification prior to allowing the third party customer to be billed.~~

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

~~PART Puc 457 CTP INTERCONNECTION~~

~~Puc 457.01 Intercompany Contact Information:~~

~~(a) A CTP shall provide and regularly maintain contact and escalation lists for network and interconnection issues on a web page, if the CTP maintains a website.~~

~~(b) Substantive changes to the location or content of the information required by (a) above shall be updated within 5 business days.~~

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

~~PART Puc 458 CTP CORPORATE RESTRUCTURING~~

~~Puc 458.01 Transfer of Customer Base.~~

~~(a) When a CTP proposes to transfer its customer base, as defined in Puc 402.57, the CTP shall notify the commission by filing Form CTP 36 Transfer of Customer Base, as described in Puc 469.11.~~

~~(b) No fewer than 14 days prior to the effective date of a CTP transfer of its customer base, the CTP shall provide written notice, pursuant to Puc 452.01, to each affected customer which includes:~~

~~(1) Notice that the CTP shall discontinue providing CTP services to the customer;~~

~~(2) Notice of the date the CTP shall discontinue providing CTP services to the customer;~~

~~(3) Notice that the customer will be assigned to the proposed transferee or lessee carrier unless the customer selects an alternate toll provider;~~

~~(4) Notice that the change in carrier shall be without charge to the customer;~~

~~(5) A clear statement:~~

~~a. Of any difference in the rates, terms and conditions of service of the CTP and the rates, terms and conditions of service of the proposed transferee or lessee CTP; or~~

~~b. That the rates, terms and conditions of service of the CTP and the proposed transferee or lessee CTP are the same;~~

~~(6) The name, address and telephone number of the proposed transferee or lessee CTP; and~~

~~(7) Notice of the time period within which the customer shall make a selection of any alternate CTP or be assigned to the default or successor carrier, if different than the date the CTP shall cease to provide service to the affected customer.~~

~~(c) A CTP shall provide a copy of the notice described in (b) above to the commission at the same time notice is sent to affected customers.~~

~~(d) A CTP shall, within 30 days of the effective date of the transfer of customer base, refund to its customers any applicable amounts owed.~~

~~(e) The proposed transferee or lessee shall register as a CTP, pursuant to Puc 451.01, if not already so registered.~~

~~(f) In addition to the requirements in (a) through (e) above, pursuant to RSA 374:22-o, a CTP with a market share of 10 percent or greater shall petition the commission for approval of its transfer of customer base at least 30 days prior to the effective date of such transfer.~~

~~(g) As to any petition filed by a CTP for approval of the commission, pursuant to (f) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers,~~

~~pursuant to the criteria contained in well-developed relevant case law.~~

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

~~Puc 458.02 Change in Ownership.~~

~~(a) When a CTP undergoes a change in ownership pursuant to Puc 402.08 it, shall notify the commission by filing Form CTP-37 Change in Ownership, as described in Puc 469.12.~~

~~(b) A CTP undergoing a change of ownership shall provide written notice pursuant to Puc 452.01 to each affected customer of the change in ownership, which shall include:~~

~~Information regarding the change in ownership;~~

~~Notice that the rates, terms and conditions of service of the CTP shall remain the same.~~

~~(c) In addition to the requirements in (a) through (c) above, pursuant to RSA 374:22-o, a CTP with a market share of 10 percent or greater shall petition the commission for approval of its change in ownership at least 30 days prior to the effective date of such change.~~

~~(d) As to any change of ownership filed by a CTP for approval of the commission, pursuant to (d) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers, pursuant to the criteria contained in well-developed relevant case law.~~

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

~~PART Puc 459—468 RESERVED~~

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

~~PART Puc 469 CTP FORMS~~

~~Puc 469.01 Availability of Forms. The commission shall make all forms available on the commission's website at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.~~

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

~~Puc 469.02 Form CTP-1 Contact Information.~~

~~(a) On the "Contact Information" form required by Puc 451.09 the CTP shall include:~~

- ~~(1) The CTP's legal name;~~
- ~~(2) The trade name the CTP uses with its customers;~~
- ~~(3) The CTP's complete mailing address;~~
- ~~(4) The CTP's telephone and fax numbers;~~
- ~~(5) The CTP's email address;~~

- ~~(6) The CTP's website address, if the CTP maintains a website;~~
- ~~(7) The CTP's federal employer identification number (FEIN);~~
- ~~(8) The CTP's authorization number, or date of application if the authorization number is not yet available;~~
- ~~(9) The CTP's toll free number, fax number and email address for customer service;~~
- ~~(10) The CTP's toll free number, fax number and email address for repair service;~~
- ~~(11) The hours of operation for customer service and repair service;~~
- ~~(12) An indication of whether the CTP wishes to receive reports and reminders via email;~~
- ~~(13) The names and titles of the principal officers of the CTP;~~
- ~~(14) The printed name and title of the signatory; and~~
- ~~(15) The current date.~~

~~(b) On the "Contact Information" form the CTP shall include contact information for the following individuals:~~

- ~~(1) The person responsible for preparing the annual report;~~
- ~~(2) The person responsible for regulatory matters;~~
- ~~(3) The person that the commission's consumer affairs division shall call regarding consumer complaints from customers; and~~
- ~~(4) The person responsible for paying assessment bills.~~

~~(c) Contact information for each individual identified in (b) above shall consist of:~~

- ~~(1) The name and title;~~
- ~~(2) The complete mailing address;~~
- ~~(3) The telephone and fax numbers; and~~
- ~~(4) The email address.~~

~~(d) The authorized representative of the CTP shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 469.03 Form CTP 2 Assessment Report:

~~(a) On the "Assessment Report" required by Puc 451.08 the CTP shall include:~~

- ~~(1) The CTP's legal name;~~
- ~~(2) The trade name the CTP uses with its customers;~~
- ~~(3) The CTP's FEIN;~~
- ~~(4) The CTP's authorization number;~~
- ~~(5) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~
- ~~(6) The calendar year that is the subject of the report;~~
- ~~(7) The printed name and title of the signatory; and~~
- ~~(8) The gross utility revenue derived from New Hampshire operations during the period.~~

~~(b) The authorized representative of the CTP shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 469.04 Form CTP 3 Annual Report.

~~(a) On the "Annual Report" required by Puc 451.07 the CTP shall include:~~

~~The CTP's legal name;~~

~~The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number;~~

~~(5) Contact information for person responsible for filing the "Annual Report," including:~~

~~The name and title;~~

~~The mailing address;~~

~~The phone number; and~~

~~The email address.~~

~~(6) The calendar year that is the subject of the report;~~

- ~~(7) The names and titles of the principal officers of the CTP;~~
- ~~(8) An indication that the company is registered as a CLEC, a CTP, or both;~~
- ~~(9) The CTP's CLEC authorization number, if applicable;~~
- ~~(10) A list of company affiliates that provide telecommunication services in New Hampshire; and~~
- ~~(11) A brief description of the CTP's services which generate New Hampshire revenue; and~~
- ~~(12) The total of all New Hampshire revenues provided in (b) below.~~

~~(b) On the "Annual Report" the CTP shall include an itemization, by retail and wholesale, of revenue in the following categories:~~

~~IntraLATA toll;~~

~~Toll revenue other than intraLATA toll;~~

~~Local service;~~

~~Access;~~

~~All other revenue not included in (1) through (4) above; and~~

~~The subtotal, by retail and wholesale.~~

~~(c) On the "Annual Report" the CTP shall include statistical data for the CTP's New Hampshire operations, including:~~

~~Number of presubscribed access lines;~~

~~Intrastate conversation minutes of use; and~~

~~Number of switches and their locations.~~

~~(d) On the "Annual Report" the CTP shall include the following information:~~

~~Identification of New Hampshire operations of the CTP that have been discontinued in any exchange during the past 12 months;~~

~~Whether the CTP has discontinued all its New Hampshire operations in the past 12 months;~~

~~Whether deposits for telephone service have been taken or required; and~~

~~Whether the company offers internet access to end users.~~

~~The CTP shall attach a balance sheet and an income statement for the year reported.~~

~~The CTP shall include a sworn and notarized attestation that states that the annual report has been properly prepared and represents fairly the results of the company's operations.~~

~~The attestation pursuant to (f) above shall be signed and dated by the president and the treasurer of the CTP.~~

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

Puc 469.05 Form CTP-10 Application for Registration.

~~(a) On the "Application for Registration" form the CTP shall include:~~

- ~~(1) The applicant's legal name;~~
- ~~(2) The trade name the applicant will use with its New Hampshire customers;~~
- ~~(3) The applicant's FEIN;~~
- ~~(4) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. The telephone and fax numbers; and~~
 - ~~d. Email address;~~
- ~~(5) The printed name and title of the signatory; and~~
- ~~(6) The date of application.~~

~~(b) On the application the CTP shall include responses as to:~~

~~(1) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has ever been convicted of any felony that has not been annulled by a court.~~

~~(2) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation.~~

~~(3) —~~

~~(4) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers have settled any civil, criminal or regulatory investigations or complaints.~~

~~(5) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation.~~

~~(6) Whether the applicant, or any of the general partners, corporate officers, director of the company, limited liability company managers or officers has been denied registration or authorization, or had registration or authorization revoked, in any other state or jurisdiction.~~

~~(c) If an affirmative answer is given to any item in (b) above, the applicant shall provide an explanation of the event and the relevant states or jurisdictions.~~

~~(d) The applicant shall list 3 primary telecommunications services the applicant will offer in New Hampshire.~~

~~(e) The applicant shall identify its proposed service area.~~

~~(f) The applicant shall attest to the following statements:~~

~~(1) The applicant agrees to comply with, and shall operate in accordance with, all provisions and requirements of all applicable statutes, rules and orders; and~~

~~(2) The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying.~~

~~(g) The applicant shall attach a copy of the company's Secretary of State Certificate of Authority, pursuant to Puc 402.45.~~

~~(h) The applicant shall attach a completed Form CTP-1 Contact Information.~~

~~(i) The applicant shall attach its complete rate schedule.~~

~~(j) The applicant shall attach Form CTP-11 Intent to Use Uniform Tariff, if it elects to use the uniform tariff.~~

~~(k) The applicant shall include a sworn and notarized attestation that states that the application and its attachments are complete, true and accurate, and fairly represent the applicant and its qualifications.~~

~~(l) The attestation pursuant to (l) above shall be signed and dated by the authorized representative of the applicant.~~

~~(m) The "Application for Registration" shall include notice that the applicant shall forfeit its CTP authorization if it fails to file an annual report pursuant to Puc 451.11.~~

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

Puc 469.06 Form CTP-11 Intent to Use Uniform Tariff.

~~(a) On the "Intent to Use Uniform Tariff" referred to in Puc 451.04 the CTP shall include:~~

~~(1) The CTP's legal name;~~

~~(2) The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~(6) The printed name and title of the signatory;~~

~~(7) A declaration of intent to use the uniform tariff; and~~

~~(8) The effective date.~~

~~(b) The authorized representative of the CTP shall:~~

Sign and date the form; and

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 469.07 Form CTP-12 Initiation of Operations:

~~(a) On the "Initiation of Operations" form required by Puc 451.10(b) the CTP shall include:~~

- ~~(1) The CTP's legal name;~~
- ~~(2) The trade name the CTP uses with its customers;~~
- ~~(3) The CTP's FEIN;~~
- ~~(4) The CTP's authorization number;~~
- ~~(5) Contact information for the person responsible for the information on the form, to include:~~
 - ~~a. The name and title;~~
 - ~~b. The mailing address;~~
 - ~~c. —~~
 - ~~d. The telephone and fax numbers; and~~
 - ~~e. Email address;~~
- ~~(6) The printed name and title of the signatory;~~
- ~~(7) The date services were first provided; and~~
- ~~(8) A brief description of the services provided. (b)~~

~~The authorized representative of the CTP shall:~~

- ~~(1) Sign and date the form; and~~
- ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 469.08 Form CTP-25 Rate Schedule Cover Sheet:

~~(a) On the "Rate Schedule Cover Sheet" required by Puc 451.05 the CTP shall include:~~

- ~~(1) The CTP's legal name;~~
- ~~(2) The trade name the CTP uses with its customers;~~
- ~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address; and~~

~~(6) The printed name and title of the signatory.~~

~~(b) The CTP shall attach its rate sheet, including::~~

~~(1) For each service offered by the CTP, the following information:~~

~~The name of the service, as it will appear on customer bills;~~

~~The name of the service as it will appear on company provisioning documents, if different;~~

~~A brief description of service;~~

~~The price at which the service is offered; and~~

~~The date on which the price is effective.~~

~~(c) Any rate schedule of more than 10 pages shall include:~~

~~A table of contents; and~~

~~Numbered pages.~~

~~(d) The authorized representative of the CTP shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

~~Puc 469.09 Form CTP 34 Discontinuance of Operations.~~

~~(a) On the "Discontinuance of Operations" form required by Puc 451.12 the CTP shall include:~~

~~(1) The CTP's legal name;~~

~~(2) The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~The email address;~~

~~(6) The number of New Hampshire customers affected;~~

~~(7) The printed name and title of the signatory; and~~

~~(8) The effective date of discontinuance.~~

~~(b) On the form the CTP shall attest that:~~

~~The filing of the "Discontinuance of Operations" form does not, by itself, constitute authority to discontinue any service; and~~

~~The CTP shall provide written notice to customers, as provided in Puc 451.12.~~

~~(c) The CTP shall attach:~~

~~A copy of the CTP's notice to its customers; and~~

~~Evidence that all CTP customers have received refunds for any and all credits, deposits, or prepayments due them.~~

~~(d) The authorized representative of the CTP shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

~~Puc 469.10 Form CTP-35 Withdrawal of Application or Authorization.~~

~~(a) On the "Withdrawal of Application or Authorization" form required by Puc 451.03 the CTP shall include:~~

~~(1) The CTP's legal name;~~

~~(2) The trade name the CTP uses with its customers;~~

~~(3) The CTP's FEIN;~~

~~(4) The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~(5) Contact information for the person responsible for the information on the form, to include:~~

~~a. The name and title;~~

~~b. The mailing address;~~

~~c. The telephone and fax numbers; and~~

~~d. Email address;~~

~~(6) The printed name and title of the signatory; and~~

~~(7) Proposed date of withdrawal as business entity in New Hampshire.~~

~~(b) The CTP shall affirm that:~~

~~(1) The CTP has never served customers in New Hampshire;~~

~~(e) The CTP owes no New Hampshire end user any deposits or refunds;~~

~~(d) The CTP's rate schedule is withdrawn; and~~

~~(e) The CTP's intent to use the uniform tariff, if applicable, is withdrawn.~~

~~(f) —~~

~~(g) On the form the CTP shall include a sworn and notarized attestation that states that information on the form is true and correct to the best of the individual's knowledge and belief and that the signatory has the responsibility and authority to make the attestation.~~

~~(h) The attestation pursuant to (c) above shall be signed and dated by the authorized representative of the CTP.~~

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

Puc 469.11 Form CTP 36 Transfer of Customer Base:

~~(a) On the "Transfer of Customer Base" form required by Puc 458.01 the CTP shall include:~~

~~(1) Information regarding both the transferor and transferee, including:~~

~~a. The CTP's legal name;~~

~~b. The trade name the CTP uses with its customers;~~

~~c. The CTP's FEIN;~~

~~d. The CTP's authorization number, or date of application if the authorization number is not yet available;~~

~~e. Contact information for the person responsible for the information on the form, to include:~~

~~1. The name and title;~~

~~2. The mailing address;~~

~~3. The telephone and fax numbers; and~~

~~4. Email address;~~

- ~~f. The printed name and title of the signatory; and~~
- ~~(2) The effective date of the transfer;~~
- ~~(3) The number of New Hampshire customers affected; and~~
- ~~(4) The name under which the transferee will be providing service in New Hampshire.~~
- ~~(b) The transferee shall attach an updated Form CTP-1 Contact Information for the transferee.~~
- ~~(c) The authorized representative of each CTP shall:~~
 - ~~(1) Sign and date the form; and~~
 - ~~(2) Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

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

Puc 469.12 Form CTP-37 Change In Ownership.

- ~~(a) On the "Change in Ownership" form required by Puc 458.02 the CTP shall include:~~
 - ~~(1) Information regarding both the transferor and transferee, including:~~
 - ~~a. The CTP's legal name;~~
 - ~~b. The trade name the CTP uses with its customers;~~
 - ~~c. The CTP's FEIN;~~
 - ~~d. The CTP's authorization number, or date of application if the authorization number is not yet available;~~
 - ~~e. Contact information for the person responsible for the information on the form, to include:~~

~~The name and title;~~

~~The mailing address;~~

~~The telephone and fax numbers; and~~

~~Email address;~~

~~f. The printed name and title of the signatory; and~~

~~(2) The effective date of the change;~~

~~(3) The number of New Hampshire customers affected; and~~

~~(4) The name under which the transferee will be providing service in New Hampshire.~~

~~(b) The transferee shall attach an updated Form CTP-1 Contact Information for the transferee.~~

~~(c) The authorized representative of each CTP shall:~~

~~Sign and date the form; and~~

~~Certify by signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Source:~~

~~#8348, eff 5-10-05 (See Revision Note at chapter heading for Pub 400)~~

~~NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES~~