

NOTES TO NHTA PROPOSED CHAPTER 400 RULES

Part 401 - PURPOSE AND APPLICATION OF RULES

Language is added to affirm that VoIP and IP-enabled services are not subject to the Puc 400 rules.

PART 402 – DEFINITIONS

The definition of “Basic Service” is revised and “Non-basic service” is defined, to conform with SB48.

The definition of “bundled service” is eliminated to avoid confusion with the common marketing term describing combinations of various services. (Consistent revisions are made to Part 412, the only place in which this term is used.)

“Excepted Local Exchange Carrier” is defined.

The definition of “End User” is revised to conform with SB48.

“Exempt ILEC” is defined to accompany new market entry provisions in Part 431.

“Voice over Internet Protocol” is defined.

PART 405 - PAYPHONE SERVICE

This part is revised to eliminate the concept of a unique “Payphone Service Provider” and to establish that it is applicable only to ILECs that are not operating as ELECs.

PART 406 - PUBLIC INTEREST PAYPHONES

Consistent with revisions to Part 405, this part is revised to eliminate the concept of a unique “Payphone Service Provider” and to establish that it is applicable only to ILECs that are not operating as ELECs.

PART 407 – SHARED TENANT SERVICE

In light of the revision to the definition of “end user” in SB48, the term “end user” as used in this part has been replaced by the term “customer” to clarify that the relationship between the STS provider and the tenant is not comparable to that between a telecommunications carrier and the end user. In fact, the NHTA proposal presumes that the STS provider is the end user for purposes of the rules.

PART 408 - NON-UTILITY PROVIDERS

This part is unchanged.

PART 410 - INCUMBENT LOCAL EXCHANGE CARRIERS

There are a few revisions that distinguish ILECs that are operating as ELECs from those that are not.

PART 411 - ILEC REGULATORY REQUIREMENTS

In conformance with SB48,¹ ILECs operating as ELECs do not maintain tariffs for end user services, although tariffs for wholesale services (e.g. switched access) will continue to be required.

Existing Puc 411.02 is eliminated in favor of the new market entry rules to be found in Part 431.

New Puc 411.02 memorializes the special obligations of ILECs that are operating as ELECs.²

Rules regarding Outage and Accident Reporting are retained, but certain deadlines and reporting details are relaxed.

PART 412 - ILEC CUSTOMER RELATIONS

The description of basic service is deleted, since this definition has been moved into Part 402.

The directory rules are revised to eliminate any implication that a printed white pages directory is required.

Various rules are revised to substitute “ILEC” for the word “utility” to clarify that this Part does not apply to all utilities, but only to ILECs that are not operating as ELECs.

Various rules related to Lifeline service are revised to substitute “local exchange service” for the term “basic service” to eliminate any implication that the terms are synonymous. Basic service is a local exchange service, but not all local exchange service is basic service.³

PART 413 - ILEC EQUIPMENT AND FACILITIES

This part is unchanged.

PART 414 - ILEC ACCOUNTING REQUIREMENTS

Various rules are revised to substitute “ILEC” for the word “utility” to clarify that this Part does not apply to all utilities, but only to ILECs that are not operating as ELECs.

¹ 2012 Chap. 177:15, RSA 378:1-a

² See 2012 Chap 177:12, RSA 374:22-p, VIII.

³ See 2012 Chap. 177:11, RSA 374:22-p, I (c). “Any combination of basic service along with any other service offered by the telecommunications service provider is nonbasic service.”

PART 415 - ILEC REPORTS AND FILINGS

ILEC-4 Quality of Service Report is eliminated in favor of the simpler, less burdensome ILEC-5 Quality of Service Report Card.

ILEC-23 Quarterly Financial Report is eliminated in favor of one Annual Report.

Various financial reports are eliminated as being unnecessarily burdensome.

PART 416 - ILEC RECORDS

This part is unchanged.

PART 417 - ILEC OPERATOR SERVICES

This part is unchanged.

PART 418 - ILEC INTERCARRIER OBLIGATIONS

Various rules are revised to affirm that these obligations continue to apply to ILECs operating as ELECs.

PART 419 - ILEC RESALE

Various rules are revised to affirm that these obligations continue to apply to ILECs operating as ELECs.

PART 420 - ILEC UNBUNDLING RULES

Various rules are revised to affirm that these obligations continue to apply to ILECs operating as ELECs.

PART 421 - ILEC INTERCONNECTION

Various rules are revised to affirm that these obligations continue to apply to ILECs operating as ELECs.

PART 422 - ILEC EXTENDED AREA SERVICE

This part is unchanged.

PART 429 - ILEC FORMS

Consistent with revisions to Part 415, certain forms are eliminated as duplicative or unnecessarily burdensome.

PART 430 – EXCEPTED LOCAL EXCHANGE CARRIERS

This Part is revised to encompass all carriers that are not ILECs, *i.e.* ELECs. The definitions are eliminated, as they relate to subjects that are no longer regulated, per SB48.

PART 431 - ELEC REGULATORY REQUIREMENTS

The NHTA proposal adds new rules regarding ELEC registration to operate in the territory of exempt ILECs. These requirements address the Commission directive that “the rules will address additional or modified requirements for the preservation of universal service, protection of public safety and welfare, ensuring the continued quality of telecommunications services and safeguarding the rights of consumers in a competitive environment.”⁴ Specifically, the new rules require that any ELEC seeking to provide service in the territory of an exempt ILEC must at all times (1) offer basic service, as defined by SB48, and (2) be willing to assume the obligations of being the ILEC in that territory. In this way, consumers will be assured that the SB48’s guarantee of the universal availability of basic telephone service will not be jeopardized by any creative destruction that that may result from competition in that territory, *e.g.* ILEC loss of high margin business services that support the cost of residential service.

Various rules related to rates, customer service, and reporting are eliminated, to the extent that they involve end user services.

PART 432 - ELEC CUSTOMER RELATIONS

A number of rules are eliminated to the extent that they pertain to end users services, especially billing and disconnection rules.

TRS rules are retained, to the extent that the ELEC provides access to TRS.

E911 rules are retained.

Slamming and cramming rules are retained.

PART 433 - CLEC EQUIPMENT AND FACILITIES

This Part is eliminated in its entirety.

PART 434 - ELEC REPORTS AND FILINGS

Routine annual reports by ELECs are eliminated.

PART 435 - CLEC RECORDS

This Part is eliminated in its entirety.

⁴ Order of Notice at 2 (Feb. 14, 2012).

PART 436 - CLEC OPERATOR SERVICES

This Part is eliminated in its entirety.

PART 437 - ELEC INTERCARRIER OBLIGATIONS

This Part is revised to eliminate any rules that pertain to end user services. Rules that pertain to obligations between and among other telecommunications carriers are retained.

PART 438 - ELEC ACCESS TO RESALE

This Part remains unchanged, other than substitution of the terms “ELEC” in place of “CLEC.”

PART 439 - ELEC ACCESS TO UNBUNDLING

This Part remains unchanged, other than substitution of the terms “ELEC” in place of “CLEC.”

PART 440 - ELEC INTERCONNECTION

This Part remains unchanged, other than substitution of the terms “ELEC” in place of “CLEC.”

PART 441 - ELEC CORPORATE RESTRUCTURING

This Part is revised to affirm that only ILECs that are operating as ELECs are required to seek Commission approval for a corporate restructuring.⁵

Rules pertaining to the transfer of a customer base are retained, since such a transfer implicates the Commission authority over slamming, which is preserved under SB 48.

PART 449 - ELEC FORMS

Most ELEC forms are eliminated. Those that are retained are:

- ELEC-1, Contact Information
- ELEC-2, Assessment Report
- ELEC-10, Application for Registration (with additional requirements related to exempt ILEC territories)
- ELEC-12, Initiation of Operations
- ELEC-35, Withdrawal of Application for Registration
- ELEC-36, Transfer of Customer Base
- ELEC-40, FX Eligibility Reporting (since this implicates the Commission’s authority to manage numbering resources)

⁵ See 2012 Chap. 177:13, RSA 374:30-33.

PART 450 – COMPETITIVE INTRALATA TOLL PROVIDERS

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 451 – CTP REGULATORY REQUIREMENTS

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 452 – CTP CUSTOMER RELATIONS

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 453 - CTP EQUIPMENT AND FACILITIES

This Part is eliminated in its entirety.

PART 454 - CTP REPORTS AND FILINGS

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 455 - CTP INTERCARRIER OBLIGATIONS

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 456 - CTP OPERATOR SERVICES

This Part is eliminated in its entirety.

PART 457 - CTP INTERCONNECTION

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 458 - CTP CORPORATE RESTRUCTURING

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.

PART 469 – CTP FORMS

This Part is eliminated in its entirety, as it has been subsumed by the ELEC rules.