

**New Hampshire Legal Assistance Comments
On Behalf of The Way Home
Concerning Draft Puc 400 Rules
(DRM 12-036, Rulemaking, Puc 400 - Telephone Service)**

Senate Bill 48 (Chapter Law 177, 2012; eff. Aug. 10, 2012) changed telephone services regulation in New Hampshire. The draft Puc 400 rules are a response to that change. The following are New Hampshire Legal Assistance comments on behalf of The Way Home concerning the draft Puc 400 rules for consideration by the New Hampshire Public Utilities Commission (Commission).

I. The Draft Rules Should Clarify that the Use of “VoIP Service” or “IP-Enabled Service” By an Incumbent Local Exchange Carrier (ILEC) Does Not Eliminate the ILEC’s Obligation to Provide Basic Service.

ILECs must provide basic service, even if the service provided may fall under the definition of “VoIP Service” (RSA 362:7, I (d)) or “IP-Enabled Service” (RSA 362:7, I (e)), because RSA 374:22-p, VIII, (a) provides:

Incumbent local exchange carriers, whether qualified as an excepted local exchange carrier or otherwise, may not discontinue residential basic service, regardless of technology used, 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.

(Emphasis added.)

The draft rules should clarify that an ILEC maintains the responsibility to provide basic service, regardless of the technology used. (This is notwithstanding existing obligations under federal law for telecommunications carriers, including eligible telecommunications carriers, to provide universal service. See e.g., 47 C.F.R. Part 54, and, 47 U.S.C. §§§§§ 214(e); 251; 252; 253; 254). Draft Puc 402.12 is a possible location to make this clarification.

Moreover, the draft rules – perhaps at draft Puc 421.01 – should be clarified to say a consumer can complain to the Commission if an ILEC refuses to provide basic service.

II. The Draft Rules Should Clarify that Consumers Can Complain to the Commission Regarding the Provision of Basic Service.

A.) All End Users Can Make Complaints to the Commission Regarding the Provision of Basic Service by an Excepted Local Exchange Carrier.

The last sentence of RSA 365:1-a provides the Commission with broad authority over complaints regarding the provision of “basic service.” The plain language of RSA 365:1-a provides:

Except for complaints about RSA 371:17 through RSA 371:24, RSA 374:2-a, RSA 374:22-p, RSA 374:28-a, RSA 374:34-a, RSA 374:48 through RSA 374:56, RSA 374:59, and RSA 378:44 through RSA 378:48, the provisions of this chapter shall not apply to any end user of an excepted local exchange carrier, nor to any service provided to such end user. Such end users may, however, make complaints to the commission regarding the provision of basic service by excepted local exchange carriers.

(Emphasis added.)

It is a basic principle of statutory construction that we must "...ascribe the plain and ordinary meanings to the words used." *Mbahaba v. Morgan*, 163 N.H. 561, 564 (2012)(citation omitted). The plain language of the last sentence of RSA 365:1-a allows for complaints from "[s]uch end users . . . regarding the provision of basic service . . ." The Legislature made no qualification or limitation on who could make complaints. In fact, the Legislature used the broad phrase "such end users," and therefore the Legislature did not expressly limit "who" could complain.

Nor does the plain language of the last sentence of RSA 365:1-a make any qualification or limitation about "how" end users are provided "basic service." Another basic principle of statutory construction is that: "We [the Supreme Court] will neither consider what the legislature might have said nor add words that it did not see fit to include." *Mbahaba*, 163 N.H. at 564 (citation omitted). The Legislature could have modified the term "basic service" in the last sentence of RSA 365:1-a to limit the Commission's jurisdiction to hear only complaints about stand-alone basic service. It did not do so. Indeed, the Legislature could have used words it has previously used. See e.g., RSA 374:3-b, III(d)("The plan preserves universal access to affordable stand-alone basic telephone service." (Emphasis added)); see also RSA 374:3-b, III(b). The Legislature did not limit the Commission's jurisdiction in the last sentence of RSA 365:1-a to only stand-alone basic service, and we cannot simply add the phrase "stand-alone" before "basic service" to limit the Commission's jurisdiction expressly delegated by the Legislature. Thus, all consumers can complain to the Commission regarding the provision of basic service, whether basic service is provided on a stand alone basis, or whether it is provided as part of a larger package of services (e.g. Call Forwarding, Internet, and/or Cable T.V., etc.).

RSA 374:22-p, I (c) contains a definition of "nonbasic service" which is a different service from the definition of "basic service" in RSA 374:22-p, I (b). That definition is: "Any combination of basic service along with any other service offered by the telecommunications service provider is nonbasic service." See RSA 374:22-p, I(c). As mentioned, we cannot add words to RSA 365:1-a that the Legislature did not see fit to include. The Legislature could have modified the last sentence of RSA 365:1-a to read as follows: "Such end users may, however, make complaints to the commission regarding the provision of basic service, but not nonbasic service, by excepted local exchange carriers." The Legislature did not add these words. It made no such qualification that complaints cannot be made for persons who have basic service and some other service. Since the Legislature made no such distinction, nor should the Commission.

Consumers can complain about the provision of basic service, regardless of how it is provided, and the rules should be modified accordingly.

Moreover, assuming, *arguendo*, that the last sentence of RSA 365:1-a does deal with a similar subject matter as the definition of “nonbasic service” (even though “nonbasic service” is not even mentioned in RSA 365:1-a), the following principle of statutory construction would apply:

...when interpreting two statutes that deal with a similar subject matter, we construe them so that they do not contradict each other and so that they will lead to reasonable results and effectuate the legislative purpose of the statutes.

Professional Fire Fighters of Wolfeboro, IAFF Local 3708 v. Town of Wolfeboro, 164 N.H. 18, 22 (2012)(citation omitted).

The most reasonable construction of RSA 374:22-p, I (c) is that the Legislature intended to protect ILECs from being required to provide anything further beyond “basic service,” as defined in RSA 374:22-p, I (b). This protection for ILECs is particularly important in an evolving marketplace for telecommunications services. It would be unreasonable, and contradictory to the plain language of RSA 365:1-a, to say that the Legislative purpose of RSA 374:22-p, I (c) is to somehow limit Commission jurisdiction over complaints regarding the provision of “basic service,” the only term used in the last sentence of RSA 365:1-a. Indeed, if this were the case, and based on information and belief, the Commission would have no jurisdiction over virtually every end user concerning “basic service” because virtually every end user has at least one service beyond “basic service” (e.g. Long Distance, Call Waiting, Call Forwarding, Internet, and/or Cable T.V., etc.). This is in spite of the Legislature’s use the broad phrase “[s]uch end users...” to begin the last sentence of RSA 365:1-a. Such a construction would effectively render the entire last sentence of RSA 365:1-a superfluous, contrary to the canon of statutory construction that “[a]ll words of a statute are to be given effect, and the legislature is presumed not to use words that are superfluous or redundant.” Pelkey v. Dan’s City Used Cars, Inc., 163 N.H. 483, 489 (2012).

This unreasonable construction would result in a senior citizen on a fixed income who takes a promotion offering Call Forwarding or Cable T.V. or Call Waiting automatically losing all “basic service” protections. The Legislature could not have intended such an absurd result, and the various statutory provisions must be construed “...together to effectuate its overall purpose and avoid an absurd or unjust result.” State Employees’ Ass’n of New Hampshire v. State, 161 N.H. 730, 738 (2011) (quotation omitted). These unreasonable and absurd results are strong evidence in favor of the plain language construction of both the last sentence of RSA 365:1-a and RSA 374:22-p, I(c), as described above.

Draft Puc 421.03 should reflect the Legislature’s intent, based on the plain language of the statutes, to preserve Commission authority over “basic service,” regardless of how “basic service” is provided and regardless of what other products or services have been purchased.

B.) The Scope of the Complaints Handled by the Commission Concerning Basic Service Should Involve Anything Relating to the Provision of Basic Service.

The plain language of the last sentence of RSA 365:1-a is:

Such end users may, however, make complaints to the commission regarding the provision of basic service by excepted local exchange carriers.

(Emphasis added.) The Legislature used the broad phrase “regarding the provision of basic service...” As a result, we must “...ascribe the plain and ordinary meanings to...” the phrase “regarding the provision of” in RSA 365:1-a to determine the scope of the Commission’s authority over basic service related complaints.

The plain meaning of “regarding” is “with respect to : concerning.” Webster’s Third New International Dictionary 1911 (unabridged ed. 1966). The plain meaning of “provision” is “the act or process of providing.” Webster’s Third New International Dictionary 1827, 2a (unabridged ed. 1966). Therefore, end users are able to broadly complain about anything with respect to or concerning the act or the process of providing basic service. The Legislature expressly preserved the Commission’s jurisdiction over all processes involved in getting, keeping and maintaining basic service. In short, Senate Bill 48 (Chapter Law 177, 2012) maintained Commission jurisdiction and authority over virtually every type of customer complaint on basic service.

We respectfully suggest the following current Puc rules should be kept and incorporated into draft Puc 421.03, which is the draft complaint rule about basic service: 412.15(b); 412.17(a),(e),(m); 412.18(a) through (i); 1202.04 through 1202.08; 1202.10 through 1202.12; 1202.16; 1203.01(k); 1203.03(a),(b),(c),(e),(m),(n); Puc 1203.07(a),(b),(c),(f) through (m); 1203.09(a),(d); 1203.14(a); 1203.15(d); 1203.16; 1203.17(a),(b),(c),(e),(g). See also Appendix A. These rules concern the process of getting, keeping and maintaining basic service, including rules concerning deposits, disconnections, disconnection conferences, payment arrangements, financial hardship, denials of service, among others. These rules ensure access to affordable basic service.

In further support of the above, the Legislature also retained Commission jurisdiction over “[s]uch obligations that arise under RSA 374:22-p.” See RSA 362:8, IV. Under RSA 374:22-p, III: “The commission shall seek to ensure that affordable basic telephone services are available to consumers throughout all areas of the state at reasonably comparable rates.” (Emphasis added.) The Commission cannot adequately fulfill this statutory mandate without keeping the rules listed above. The plain language makes clear the policy of the Legislature is to maintain basic service obligations.

There is nothing in the plain language of Senate Bill 48 which signifies any intent to limit or qualify Commission regulation over basic service. The draft Puc 400 rules should reflect the

clear intent of the Legislature to allow the public to complain to the Commission "...regarding the provision of basic service..." See RSA 365:1-a.

III. The Way Home Supports the Draft Puc Rules Concerning "Essential Telephone Service," Although the Complaint Rules for "Essential Telephone Service" Should be Similar to "Basic Service."

RSA 374:22-p was explicitly preserved as a complaint-basis in RSA 365:1-a. As earlier mentioned, "[a]ll words of a statute are to be given effect, and the legislature is presumed not to use words that are . . . redundant." Pelkey, 163 N.H. at 489. Thus, the statutory reference to RSA 374:22-p in RSA 365:1-a must mean something above and beyond the last sentence of RSA 365:1-a, concerning complaints regarding the provision of "basic service."

Within RSA 374:22-p there are three different definitions of services: RSA 374:22-p, I(b)("basic service"); RSA 374:22-p, I(c)("nonbasic service"); and RSA 374:22-p, III. Because the Legislature already references "basic service" in the last sentence of RSA 365:1-a, the reference to RSA 374:22-p must be referencing either RSA 374:22-p, I(c)("nonbasic service") or RSA 374:22-p, III. RSA 374:22-p, III contains a statutory mandate that: "The commission shall seek to ensure that affordable basic telephone services are available to consumers throughout all areas of the state at reasonably comparable rates." Thus, "affordable basic telephone services" means something different than "basic service." Therefore, the service of "essential telephone service" (or whatever it is ultimately called) in the draft Puc 400 rules is supported by the plain language of RSA 365:1-a, and The Way Home supports these rules. See also Appendix B.

In the interest of parity, the scope of draft rule Puc 412.10 concerning complaints concerning "essential telephone service" should be similar to the scope of complaints for "basic service," and therefore include the following current Puc rules: 412.15(b); 412.17(a),(e),(m); 412.18(a) through (i); 1202.04 through 1202.08; 1202.10 through 1202.12; 1202.16; 1203.01(k); 1203.03(a),(b),(c),(e),(m),(n); Puc 1203.07(a),(b),(c),(f) through (m); 1203.09(a),(d); 1203.14(a); 1203.15(d); 1203.16; 1203.17(a),(b),(c),(e),(g). See also Appendix A.¹ The resolution of complaints over "essential telephone service" at the Commission is in the public interest, ensures parity between the providers and equality of treatment for "essential telephone service," and is expressly within the Commission's jurisdiction retained under Senate Bill 48 (Chapter Law 177, 2012).

RSA 374:22-p, III provides: "The commission shall seek to ensure that affordable basic telephone services are available to consumers throughout all areas of the state at reasonably comparable rates." (Emphasis added). The Commission cannot adequately fulfill the statutory mandate under RSA 374:22-p, III without applying the above complaint rules to "essential telephone service."

¹ Note that current Puc rules cross cite generally to all of the Puc 1200 rules for both ILECs (Puc 410.02(b)(5)) and CLECs (Puc 430.02(b)(5)). Note also that to the extent CLECs are considered ELECs, the broad statutory requirement in RSA 374:22-p, III also applies to CLECs generally. See RSA 362:8, IV.

IV. The Commission Continues to Have Authority and Responsibilities Under Federal Law and Under its Own Orders With Respect to Public Interest Payphones.

A.) Background and Importance of the Public Interest Payphone Rules.

The proposed Chapter 400 Rules do not, but should include the current Chapter 406 Public Interest Payphones rules. Similarly, the proposed Chapter 400 Rules do not, but should include the current Chapter 405 Payphone Service rules related to public interest payphones.

The sole payphone rule in the entire proposed Chapter 400 rules is Puc 411.08 Payphone Service. Instead, all of the current Chapter 406 rules should be included in the proposed Chapter 400 rules, except for the reference to RSA 374:22-q in current rule Puc 406.06, PIP Compensation. In addition, Puc 405.09 from Chapter 405 should be included in the proposed Chapter 400 rules.

Current Commission rule Puc 406.1, Purpose, explains that the purpose of Chapter 406 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.”

Relevant statutes include federal laws, and in particular, Sections 276(b)(2) and 276(c) of the Federal Telecommunications Act of 1996, 47 USC §151, et seq. 47 USC §276(b)(2) requires that the Federal Communications Commission (FCC) determine whether public interest payphones, “which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be a payphone, should be maintained . . .” The federal law also provides at Section 276(c), State Preemption:

To the extent that any State requirements are inconsistent with the Commission’s regulations, the Commission’s regulations on such matters shall preempt such state requirements.

47 USC §276(c).

In its Report and Order FCC 96-388, dated September 20, 1996, in CC Docket 96-128 (Payphone Order), the FCC directed the states to address the question of the need for public interest payphones. In April 1998 this Commission opened a docket to investigate, pursuant to Section 276(b)(2) of the 1996 federal Telecommunications Act, whether public interest payphones should be maintained in New Hampshire, and, if so, to ensure that such public interest payphones are funded fairly and equitably. Order No. 22,940 in DE 98-048, May 18, 1998, 83 NH PUC 312 (1998). The Commission noted in the Order that the Federal Communications Commission directed each state to evaluate by October 7, 1998 whether it needs to take any measures to ensure that payphones serving important public interests will continue to exist in light of the elimination of subsidies and other competitive provisions established pursuant to section 276 of the federal law. 83 NH PUC at 312.

Following public hearings and the presentation of evidence by numerous parties to the docket, the Commission issued Order No. 23,077, in DE 98-048, dated December 7, 1998, and determined that:

Based on the record, we are convinced that a need exists in New Hampshire to implement a PIP program, as well as to define a PIP.

83 NH PUC 654, 657 (1998).

The Commission also adopted a definition of a public interest payphone, and further ruled that:

Addressing the need to implement a PIP program, we find that there is a need to establish a process for evaluating individual locations in light of the definition adopted.

83 NH PUC at 658.

In 2001 the Commission issued Order No. 23,706 in DE 98-048 dated May 17, 2001. In its Order the Commission adopted a revised definition of a public interest payphone, and also approved a process for designation and removal of PIP status. 86 NH PUC 331 (2001). The Commission found “the proposed process [for designation and removal of PIP status] reasonable and fair.” 86 NH PUC at 334.

The process for designating a PIP set forth in Order No. 23,706 was the basis for the designation of two public interest payphones in New Hampshire, one in 2002, and the other in 2005. In Order No. 24,008, in DT 02-050, dated July 9, 2002, the Commission designated a public interest payphone in South Acworth, NH following the filing of a petition in accordance with the process established in Order No. 23,706, and following public hearings, an investigation by Commission staff, and review of a report by Commission staff. 87 NH PUC 457 (2002). Similarly, in Order No. 24,438 in DT 04-135, dated February 5, 2005, the Commission designated a public interest payphone in Rumney, NH. 90 NH PUC 78 (2005).

The process for designation and removal of PIP status approved in Order No. 23,706 eventually was the subject of administrative rulemaking pursuant to RSA 541-A and was adopted as current Puc Part 406, effective May 10, 2005. However, Puc Part 406, Public Interest Payphones, has been omitted from the proposed Chapter 400 rules.

B.) The Elimination of Puc Part 406 and the Related Public Interest Payphone Rules in Puc Part 405 From the Proposed Puc 400 Rules is Not in the Public Interest.

The Puc Part 406 PIP rules and related Puc Part 405 PIP rules should be retained in the proposed Puc Chapter 400 rules. The elimination of the PIP rules from the proposed Chapter 400 rules does not remove the Commission’s jurisdiction and authority with respect to public interest payphones.

The Commission is required by Section 276(b)(2) of the 1996 Telecommunications Act and FCC Payphone Order to determine whether PIPs are needed in New Hampshire. The Commission has done this in Orders No. 22,940, 23,007, and 23,706 in DE 98-048. These Orders remain in effect whether or not Chapter 406 and the related PIP rules in Chapter 405 are deleted from the proposed Puc Chapter 400 rules.

Similarly, once the Commission has determined a “need” for PIPs in New Hampshire, and has also designated specific PIPs (see Order No. 24,008, DT 02-050: S. Acworth PIP; and Order No. 24,438, DT 04-135: Rumney PIP), the state is required by federal law to ensure that these PIPs are “maintained, and supported fairly and equitably.” 47 USC § 276(b)(2).

As noted above, the “purpose” of Chapter 406 is “to establish standard procedures for the designation of public interest payphones” and “guidelines” with respect to public interest payphones. Puc 406.01, eff. 5/10/05. Eliminating Chapter 406 and the relevant PIP rules of Chapter 405 will simply make it harder for the public to locate the process for designation of PIPs already established in Commission Order No. 23,706 in DE 98-048, dated May 17, 2001, as well as in the other PIP Orders discussed in these comments.

In response to any suggestion that the Commission’s above PIP Orders have been eliminated or abrogated by the passage of Senate Bill 48 (Chapter Law 177; 2012), Section 276(c) of the 1996 federal Telecommunications Act would appear to expressly preempt such state action or requirements. Further, if the Commission were to move to alter, amend, suspend, annul, set aside, or otherwise modify its above PIP Orders pursuant to RSA 365:28, such action would also appear to be pre-empted under Section 276(c). At the very least, the elimination of the above PIP Orders would simply require the Commission to start all over again to determine the “need” for PIPs in accordance with Section 276(b)(2) and the FCC Payphone Order of 1996.

C.) The Implied Repeal of RSA 374:22-q Does Not Remove the Commission’s Jurisdiction and Authority Over Public Interest Payphones Which Is Conferred By Federal Law.

The enactment of RSA 365:1-a as a result of passage of SB 48 (Chapter Law 177, 2012) may imply the repeal of RSA 374:22-q, Public Interest Payphones, because RSA 374:22-q is not included in the statutory “Exceptions” to RSA 365:1-a. Even assuming an implied repeal of RSA 374:22-q, the Commission continues to have authority under federal law with respect to public interest payphones.

First, repeal of RSA 374:22-q may result in state “requirements” that are inconsistent with Section 276(b)(2) of the federal Telecommunications Act of 1996. See Section 276(c) of the federal law.

Second, to the extent that RSA 374:22-q may have been repealed, this does not remove the state’s duties and authority with respect to public interest payphones, which is conferred by Section 276(b)(2) of the federal Telecommunications Act of 1996. Indeed, this would appear to be expressly acknowledged in SB 48, at RSA 362:8, which provides in part:

Obligations on Excepted Local Exchange Carriers.
Notwithstanding any other law, rule, or order, the Commission shall have no authority to impose or enforce any obligation on any excepted local exchange carrier that is not also applicable to all other excepted local exchange carriers . . . except
I. Such obligations that arise pursuant to the Commission's authority under the Communications Act of 1934, as amended . . .

The Commission continues to have authority and responsibilities under federal law and under its own orders with respect to public interest payphones. Deleting reference to public interest payphones in the proposed Puc Chapter 400 rules does not diminish or remove the Commission's authority and obligations. The removal of Puc Part 406 and the PIP related rule in Puc Part 405 will only cause confusion and make it more difficult for the public to find out about the process for designation of public interest payphones. Retaining the current PIP rules in the proposed Chapter 400 rules is lawful and is in the public interest.

V. The Draft Puc 421.01(c) Bar on Exit Fees Should Also Apply to "Essential Telephone Service" and "Voice Service Providers."

Draft Puc 421.01(c) provides that: "An ILEC shall not impose exit fees on a customer who cancels basic service." However, it is inconsistent with the concept of increased competition, and the concept of parity, for this rule to not extend to "essential telephone service" and all "voice service providers." Existing Puc rules protect against exit fees imposed by ILECs (Puc 412.14) and CLECs (Puc 432.13). The resolution of exit fee disputes at the Commission is in the public interest, ensures competition and parity, and is within the Commission's jurisdiction retained under Senate Bill 48 (Chapter Law 177, 2012) in RSA 374:22-p, III.

RSA 374:22-p, III provides: "The commission shall seek to ensure that affordable basic telephone services are available to consumers throughout all areas of the state at reasonably comparable rates." This requirement cannot be met if a provider or providers have exit fees imposed on basic telephone services. Therefore, draft Puc 421.01(c)'s prohibition on exit fees should also be applied to "essential telephone service" and all "voice service providers," perhaps added some place in draft Puc 412.

VI. The Draft Puc 400 Rules Should Clarify that Fairpoint, Or Any Successor, Shall Maintain Soft Disconnect Processes.

The plain language of RSA 362:8, II requires the retention of: "Such obligations that arose prior to February 1, 2011 that relate to the availability of broadband services, soft disconnect processes and capital expenditure commitments within the state." (Emphasis added). The rules should clarify (or incorporate by reference) the obligation of Fairpoint, or any successor, to provide a "soft disconnect" process for consumers disconnected for non-payment of telephone bills in order to have access to dial tone for the limited purposes of calling 911 for at least ninety (90) days. See DT 07-011, Schmidt Ex. 1, Memorandum of Understanding,

provision #2. The rules should also allow for complaints to the Commission by end users who claim this soft disconnect obligation is not being met.

CONCLUSION:

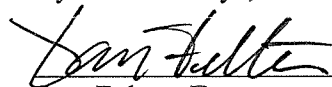
Senate Bill 48 (Chapter Law 177, 2012; eff. Aug. 10, 2012) changed many aspects of telephone services regulation in New Hampshire. Nevertheless, the plain language of RSA 365:1-a, RSA 362:8, IV and RSA 374:22-p, III shows that the Legislature directed the Commission to retain jurisdiction and authority over basic service and essential telephone service. This includes the authority and obligation to hear and resolve complaints by end users, irrespective of whether the end user may have purchased another product or service other than basic service or essential telephone service. Similarly, the Commission retains authority conferred under federal law and under its own orders with respect to public interest payphones.

New Hampshire Legal Assistance, on behalf of The Way Home, recommends that the Commission retain its current public interest payphone rules, and that it clarify the proposed Puc Chapter 400 rules with respect to basic service, essential telephone service, customer complaints, soft disconnect, and exit fees, as discussed in the above comments.

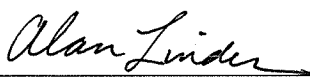
New Hampshire Legal Assistance and The Way Home wish to thank the Commission for the opportunity to present these comments, and wish to express their appreciation to Commission Staff for their thorough and thoughtful efforts in drafting the proposed rules.

Respectfully submitted,

The Way Home
By Its Attorneys,



Dan Feltes, Esq.
New Hampshire Legal Assistance
117 North State Street
Concord, New Hampshire 03301
(603) 223-9750, ext. 2806
Bar No.: 17689



Alan Linder, Esq.
New Hampshire Legal Assistance
117 North State Street
Concord, New Hampshire 03301
(603) 223-9750, ext. 2802
Bar No.: 1487

5/30/13
Date

CERTIFICATE OF SERVICE

I certify that on May 30, 2013 persons on the electronic service list to DRM 12-036 have been provided a copy of these comments electronically.

A handwritten signature in black ink, appearing to read "Dan Feltes", written over a horizontal line.

Dan Feltes, Esq., Bar No. 17689

Appendix A to The Way Home's Comments

Some Current PUC Ch. 400 Rules that Have Not Been But Should Be Included in the Proposed Ch. 400 Rules, As Applied to “Basic Service” and “Essential Telephone Service” Services	
Current Rule	Topic
412.15(b)	Disconnection of Service
412.17(a), (e), (m)	Notice of Disconnection
412.18 (a)-(i)	Disconnection Conferences

Some PUC Ch. 1200 Rules that Should be Incorporated into the Proposed PUC Ch. 400 Rules, As Applied to “Basic Service” and “Essential Telephone Service” Services	
Chapter 1200 Rule	Topic
1202.04	Complaint
1202.05	Conference
1202.06	Current bill
1202.07	Customer
1202.08	Disconnection
1202.10	Financial hardship
1202.11	Late payment
1202.12	Medical emergency
1202.16	Termination
1203.01(k)	Initiation of basic utility service: denial of service
1203.03(a)-(c), (e), (m), (n)	Deposits
1203.07(a)-(c), (f)-(m)	Payment Arrangements
1203.09(a), (d)	Complaints
1203.14(a)	Social Service Assistance
1203.15(d)	Denial of Service
1203.16	Disconnection Conferences
1203.17(a)-(c), (e), (g)	Conference to mediate complaints other than disconnection complaints

Appendix B to The Way Home's Comments

Some Proposed New PUC Ch. 400 Rules that The Way Home Generally Supports		
Page	New Rule	Topic
3	402.09	Essential Telephone Service Definition
3	402.10	Excepted Local Exchange Carrier Definition
7	402.24	Voice Service Provider Definition
9	411.06	VSP Website required (rates, terms, conditions)
12	412.03	VSP Notices to Customers
13	412.04(d)(2)	Slamming: Transfer of Customer Base (Notice)
14	412.05(d)	Cramming: Factors for mitigation of fine
16	412.06	Directories
16	412.08	VSP Cessation of Essential Service: 14 day Notice
17	412.09(a), (b)	Lifeline Customers
17	412.10(a), (b)	VSP Customer Complaints (Essential Service, and Violations of 412.01-09)
18	413.02	Restoration of VSP Essential Service
22	415.01(c)	VSP Report – 6. Payphone Location Report
23	416.02(h) – (k)	VSP Form – 1. Contact Information
26	416.07	VSP Form - 6. Payphone Location Report
29	421.01(a) – (f)	ILEC Basic Service
30	421.02(a) – (c)	ILEC Discontinuations of Basic Service
31	421.03	ILEC Customer Complaints Regarding Basic Service (as described in 421.01)