

**THE STATE OF NEW HAMPSHIRE**

**PUBLIC UTILITIES COMMISSION**

**DRM 12-036**

**RULEMAKING**

**New Hampshire Code of Administrative Rules  
PART Puc 400 — Rules for Telephone Service**

**ORDER OF NOTICE**

On February 2, 2012, a Request for Advance Comment on a Subject Matter of Proposed Rulemaking concerning New Hampshire Code of Administrative Rules PART Puc 400 — Rules for Telephone Service was published in the New Hampshire Rulemaking Register. That notice provided for a public comment session on April 17, 2012 and for written comments to be accepted until June 13, 2012. At the April 17, 2012 public comment session commenters indicated that it would be beneficial to extend the written comment period to allow additional time for commenters to incorporate possible legislative changes. On May 17, 2012 a new Request for Advance Comment on a Subject Matter of Proposed Rulemaking concerning New Hampshire Code of Administrative Rules PART Puc 400 — Rules for Telephone Service was published in the New Hampshire Rulemaking Register. The new request provided that Commission Staff would accept comments relating to PART Puc 400 through the close of business on July 6, 2012 but was otherwise unchanged from the prior notice. Comments were filed by the New Hampshire Telephone Association, The Way Home, the New England Cable and Telecommunications Association, Inc., and the CLEC Association of Northern New England, Inc. Comments were accepted for purposes of informing the Commission on the production and adoption of an Initial Proposal.

On April 11, 2013, the Commission voted pursuant to RSA 541-A to initiate a rulemaking for N. H. Code Admin. Rules PART Puc 400, Rules for Telephone Service. The Commission's Initial Proposal represents a readoption of the existing Puc 400 rules with amendments. A technical session was held on April 18, 2013 at which time the Commission Staff presented the Initial Proposal and entertained discussion of the Initial Proposal with interested parties.

The proposed revisions to Puc 400 sets forth definitions of terms, general rules, rights and obligations, and statutory and other requirements, including requirements for: registration and reporting; the filing and maintenance of tariffs and rate schedules; certain intercarrier relationships; customer relations and consumer protections; and public safety and emergency response. This rulemaking will readopt the above items with revisions as necessary, and with the goal of reducing redundancies in the existing rules.

In addition to readopting the above, and in light of substantial changes at the local, state and national levels, the rules will also address, to the extent necessary, requirements for other items, including: rights and obligations imposed, additional or modified requirements for the preservation of universal service and protection of public safety and welfare set forth in Laws 2012 chapter 177, (SB 48).

Upon approval, the proposed amended rule will replace the current version of Puc 400.

A rulemaking notice form (Notice), as required by RSA 541-A:6, was filed with the Office of Legislative Services on April 25, 2013. The Notice sets forth a date for a public hearing to be held at the Commission and a deadline for submission of written comments. That notice is appended hereto.

Pursuant to RSA 541-A:6, III, notice will also be provided by public notice advertisement in a publication of daily statewide circulation.

The readoption with amendment Initial Proposal may be viewed on the Commission website, <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-036.html>, or copies may be obtained from the Commission as set forth in the Notice.

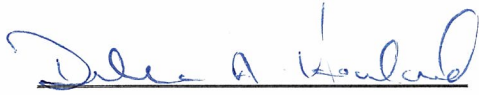
**Based upon the foregoing, it is hereby**

**ORDERED**, that a technical session will be held in Hearing Room B at the Commission located at 21 S. Fruit St., Suite, 10, Concord New Hampshire on Wednesday, May 15, 2013 at 9:00 a.m., for the purpose of allowing Commission Staff and interested parties to further discuss the Initial Proposal, and it is

**FURTHER ORDERED**, that a Public Hearing, pursuant to 541-A:11, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 28, 2013 at 10:00 a.m., and that the deadline for submission of materials in writing or via e-mail shall be June 4, 2013, as set forth in the Notice; and it is

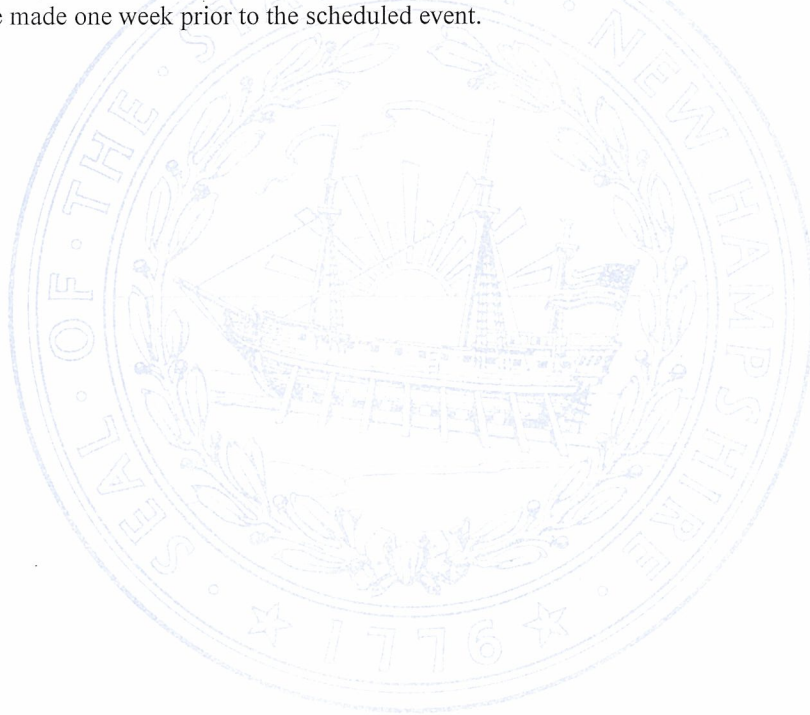
**FURTHER ORDERED**, that pursuant to RSA 541-A:6, III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than May 7, 2013, in a newspaper with a daily statewide circulation, publication to be documented by affidavit filed with the Commission on or before May 23, 2013.

By order of the Public Utilities Commission of New Hampshire this first day of May,  
2013.



Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.



APPENDIX II-C

**RULEMAKING NOTICE FORM**

**NOTE: ADDITIONAL NOTICE**

See page one of the instructions regarding additional notice, especially notice to standing policy committees under circumstances described in RSA 541-A:10, I.

Notice Number \_\_\_\_\_ Rule Number \_\_\_\_\_ **Puc 400**

<p>1. Agency Name &amp; Address:</p> <p><b>New Hampshire Public Utilities Commission</b>  <b>21 South Fruit Street, Suite 10</b>  <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <b>RSA 365:8, IV,VII, XI, and XII, RSA 374:5, 22-p, IV(a), 28-a, IV, 34-a, III, 39, 59, II, III, IV, and V, RSA 378:1, 48</b></p> <p>3. Federal Authority: <b>47 U.S.C. 222 (e), 225 (b), 251 (a), (b), (c), (f), (h), 47 CFR 2300-2345, 51.217, 54.400, 64.1330</b></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>  <b>x</b>  </u></p>
<p>5. Short Title: <b>Puc 400 Rules for Telephone Utilities</b></p>	

6. (a) Summary of what the rule says and of any proposed amendments:

Senate Bill 48, Laws 2012 Chapter 177, (SB 48), became effective August 10, 2012 changing New Hampshire laws governing the regulation of telephone utilities. SB 48 reduced regulation of most telephone service providers. SB 48 changed regulation of telephone utilities significantly enough to warrant a comprehensive and extensive revision of the existing rule. The proposed Puc 400 rules replace the existing Puc 400 rules in their entirety making amendments to implement SB 48.

SB 48 established a new category of telephone utilities called Excepted Local Exchange Carriers (ELECs). This category includes FairPoint, competitive local exchange carriers, competitive toll providers, payphone providers and any incumbent local exchange carrier who elects to be an ELEC. ELECs do not have to comply with many of the existing laws governing telephone utilities. For instance, ELECs do not have to file tariffs or get approval for special pricing.

Providers of Voice over Internet Protocol (VoIP) and IP enabled services are telephone utilities. However, following the enactment of SB 48, the Commission does not regulate market entry, exit, transfer of control, rates terms or conditions for any VoIP or IP enabled service or providers of such services except as specified in RSA 362:7, III.

SB 48 generally did not change regulation of wholesale telephone matters, or matters unrelated to service such as safety and infrastructure. Nor did SB 48 change regulation of incumbent local exchange carriers that do not elect ELEC status.

The rules establish standard procedures and general business rules for telephone utilities in order to enable them to comply with relevant laws. The existing rules established requirements that were applicable to each different type of regulated entity. This system would be unnecessarily repetitive following the enactment of SB 48. The new rules utilize the new term “voice service provider” or “VSP” to refer to all telephone public utilities. The requirements applicable to all voice service providers are consolidated.

6. (b) Brief description of the groups affected:

This rule affects telephone public utilities as defined in RSA 362:2 and their consumers.

APPENDIX II-C (Continued)

**RULEMAKING NOTICE FORM - Page 2**

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

Name:	<b>David J. Shulock, Esq.</b>	Title:	<b>Staff Attorney</b>
Address:	<b>New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301</b>	Phone #:	<b>(603) 271-2431</b>
		Fax#:	<b>(603) 271-3878</b>
		E-mail:	<b>david.shulock@puc.nh.gov</b>

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **June 4, 2013**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for: **May 28, 2013**

Date and Time: **May 28, 2013 at 10 AM**  
**New Hampshire Public Utilities Commission**  
Place: **21 South Fruit Street, Suite 10**  
**Concord, NH 03301**

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

FIS # FIS 13:049, dated April 19, 2013

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**This rule does not create a new program or responsibility, or expand or modify a program or existing responsibility, of any political subdivision of the state. This rule does not mandate or assign any program or responsibility to any political subdivision of the state in such a way as to increase the costs the political subdivision must pay. No municipal corporation and county corporation operates as an "incumbent local exchange carrier" as defined and regulated in these rules. Municipal corporations and county corporations operating within their corporate limits are specifically exempted from definition of "excepted local exchange carrier" and therefore from regulation under these rules.**

## Leighton, Adele

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To: kath@segtel.com; Bailey, Kate; Chamberlin, Susan W; achesley@devinemillimet.com; dfeltes@nhla.org; sgeiger@orr-reno.com; Hollenberg, Rorie; gmk@fhlplaw.com; Ladam, Michael; Leighton, Adele; alinder@nhla.org; hmalone@devinemillimet.com; Martin, Christina; McKeen, Denise; alexander.w.moore@verizon.com; rmunnelly@murthalaw.com; Noonan, Amanda; PUC - OCA Litigation; f.oneill-cunha@one.verizon.com; Shulock, David; lisa.m.thorne@verizon.com; dlacroix@186comm.com; tony@365wireless.net; regulatoryaffairs@accesspointinc.com; dnorton@accesspluscom.com; jsmuckle@acninc.com; cat@airespring.com; jriley@telecompliance.net; chunter@broadviewnet.com; owen.x.smith@att.com; ljfreeman@bandwidth.com; contact@nationwideregulatorycompliance.com; esamp@gwi.net; tara.jackson@birch.com; chunter@broadviewnet.com; cgarrett@broadvox.com; linda.cicco@bt.com; dbailey@bullseyetelecom.com; betty.sanders@chartercom.com; pfoley@corp.earthlink.com; ted.heckmann@cinbell.com; stacey\_parker@cable.comcast.com; regulatory@comtech21.com; sforquer@covista.com; trina.bragdon@ottcommunications.com; ed.tisdale@ottcommunications.com; jkorn@crexendo.com; william.hunt@dish.com; tbattles@dscicorp.com; regulatory@entelegent.com; rschnell@ernestgroup.com; chunter@broadviewnet.com; joe.topel@orange.com; jennifer@bayring.com; alihan@otel.us; jnannenhorn@globalcapacity.com; regulatory@granitenet.com; mrizzo@btigroup.com; regulatory@h3net.com; Carl.Billek@idt.net; mtr@compliancegroup.com; rcowley@ingts.com; regulatory@intelepeer.com; kkirkeide@ins-us.net; kteal@itllc.net; ted.price@level3.com; lbrown@lighttower.com; linda.hunt@lightyear.net; alex.valencia@excel.com; lbrown@rtcteam.net; john.l.conroy@verizon.com; katherine.mudge@megapath.com; jbarstow@metrocast.com; jon\_brinton@mitel.com; llackey@sover.net; fernanda.manko@sidera.net; rmonto@neutraltandem.com; cdmonroe@newhampshirefastroads.net; i.roemer@nhfibernet.net; dlacroix@nhosystems.com; rsheehan@nhcgrp.com; kelly.faul@xo.com; regulatory@nan.com; jcoffman@pngmail.com; jbrown@vcomsolutions.com; ted.hankins@centurylink.com; bpaul@oxfordnetworks.com; mtennis@rnkcom.com; fstocker@vermontel.com; kath@segtel.com; mtenore@sigpt.com; vleon@spectrotel.com; benjamin.aron@sprint.com; peter@telcoexperts.com; kphotiades@pioneertelephone.com; dhyde@teljet.com; julie.laine@twcable.com; chet@cit-tele.com; erobinson@tncii.com; mlevine@transbeam.com; kmullholand@techvalleycom.com; phill@usacsp.com; chip@velocity.org; joan.m.engler@verizon.com; rclark@wcs.com; jmackenzie@wimactel.com; wci.newhampshire.govaffairs@windstream.com; kris.shulman@xo.com; scockerham@fastekteam.com; sperrotte@800response.com; runderwood@accessline.com; regdbg@dominionbusinessgroup.com; jrenneker@nos.com; legal@amphone.com; tferber@affinity4.com; tm5886@att.com; jlonderee@betterworldtelecom.com; grodham@broadbanddynamics.com; ted.price@level3.com; ckonrad@ldxx.com; dcondit@causebasedcommerce.com; charlie@cicom.net; info@conect-ado.com; joen@consumertelcom.com; elizabeth.manzoni@future.ca; lchai@cnsny.net; bperna@customteleconnect.com; bhackett@gtl.net; jkolezynski@eastontelecom.com; mskrivan@fairpoint.com; cdimond@ecg1.com; regulatory@ecntel.com; showsare@firstchoicetele.com; mcegelski@firstcomm.com; stan.pace@ncnetwork.net; dschumann@gosolutions.com; lisa@goldline.net; bstafford@gsn.net; dschiavone@grasshopper.com; byung@telava.com; kdawson@icsolutions.com; m.pokorny@ildmail.com; leslieb@itltd.net; tlynch@telecomlawyers.com; ldc@ldctele.com; rquinto@golegacy.com; lisa.m.thorne@verizon.com; thomasspeed@nationalda.com; mike@navtel.com; cheri.wall@svrco.com; aelmasri@netoneinternational.com; gina.wybel@netwolves.com; stephanie.jackson@ncic.com; zahra@netincusa.com; osbill@centrisinfo.com; regulatory@networkip.net; reg.compliance@nobelusa.com; shaun@norstartelecom.com; asaltzman@novatelnetworks.com; jennifer.hinojosa@kgb.com; regulatory@opexld.com; tsmith@paytel.com; twalker@primustel.com; munro.ross@emsonusa.com; mzepeda@romanldinc.com; rbrazill@att.com; ecurry@securustech.net; ap1498@att.com; jenni.partridge@stiprepaid.com; jennifer.lautenschleger@tdstelecom.com; taxes@telna.com; kelly.jesel@telrite.com; info@totalaccesstelecom.com; regulatory@totalcallusa.com; legal@mygtc.com; manzalone@touchtone.net; mbaron@globalinx.com; ryan.taylor@fairpoint.com; mrichardson@incomm.com; ryoung@ldxx.com; verizonlongdistance@verizon.com; keith.cummings@intelliverse.com; roman@mywdt.com; rclark@wcs.com; jparker@wafs.com; kwante@BWTC.net; Tina@X2Comm.com;



**To:** jrotman@ciphernetworks.ca; david.mew@timestelecom.ca; jill.sandford@zayo.com  
**Subject:** DRM 12-036, Rulemaking, Puc 400 - Telephone Service, Order of Notice  
**Attachments:** DOC12-036OON\_20130502084240.PDF

May 1, 2013

Re: DRM 12-036, Rulemaking  
Puc 400 – Rules for Telephone Service  
Order of Notice

Please find attached an Order of Notice scheduling a technical session and public hearing in the above-referenced proceeding.

Adele Leighton  
Case Coordinator  
NH Public Utilities Comm  
21 South Fruit St Ste 10  
Concord NH 03301  
603-271-2438