

Readopt with amendment Puc 400, effective 03-12-14 (Document #10542), to read as follows:

CHAPTER Puc 400 RULES FOR TELEPHONE UTILITIES

PART Puc 401 PURPOSE AND APPLICATION

Puc 401.01 Purpose. The purpose of this chapter is to prescribe rules and to establish standard procedures, general business rules, and guidelines for telephone utilities in order to enable providers to comply with relevant statutes and commission orders and to provide an opportunity for telecommunications carriers, as defined under federal law, to register in New Hampshire to obtain evidence of their rights and obligations under the Communications Act of 1934, as amended.

Puc 401.02 Application.

(a) Parts 401 through 407 of this chapter shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996. Parts 408 through 409 of this chapter shall apply to all Incumbent Local Exchange Carrier's not operating as Excepted Local Exchange Carrier's except to the extent preempted by the Telecommunications Act of 1996. Part 413 of this chapter shall apply to telecommunications carriers as defined under the Communications Act of 1934, as amended.

(b) These rules shall not apply to Voice over Internet Protocol (VoIP) and Internet Protocol (IP) enabled services pursuant to RSA 362:7, II or to cellular mobile radio communications pursuant to RSA 362:6.

(c) In addition, the following commission rules shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996:

- (1) Puc 102, relative to definition of terms;
- (2) Puc 200, procedural rules;
- (3) Puc 1300, utility pole attachments; and
- (4) Puc 1600, tariffs.

PART Puc 402 DEFINITIONS

Puc 402.01 "Accident notification roster" means the ordered list of commission staff members to be contacted about reportable accidents which is available on the commission website.

Puc 402.02 "Basic service" means "basic service" as defined in RSA 374:22-p, I(b), namely:

- “(1) Safe and reliable single-party, single-line voice service;
- (2) The ability to receive all non-collect calls, at telephone lines capable of receiving calls, without additional charge;
- (3) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;
- (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);
- (11) A published directory listing, at the customer's election;
- (12) A caller identification blocking option, on a per-call basis;
 - (13) 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 non-published telephone numbers and 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;
- (14) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;
- (15) The ability to report service problems to the customer's basic service provider on a 24-hour basis, 7 days a week; and
- (16) Automatic Number Identification (ANI) to other carriers which accurately identifies the telephone number of the calling party.”

Puc 402.03 "Commission" means the New Hampshire public utilities commission.

Puc 402.04 "Competitive Local Exchange Carrier (CLEC)" means a carrier, and its successors and assigns, authorized by the commission after July 23, 1995 to provide telephone service for the public in a particular area within New Hampshire.

Puc 402.05 "Competitive 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.

Puc 402.06 "Contact information" means:

- (a) Name;
- (b) Title;
- (c) Complete postal mailing address;
- (d) Telephone number; and
- (e) Email address.

Puc 402.07 "Cyber attack" means a deliberate, unauthorized exploitation of computer systems, technology-dependent enterprises and networks.

Puc 402.08 "Department" means the New Hampshire department of energy.

Puc 402.09 "Dial tone" means an aural tone that indicates to the telephone end-user that the handset is able to place a call.

Puc 402.10 "Excepted Local Exchange Carrier (ELEC)" means:

- (a) An incumbent local exchange carrier providing telephone services to 25,000 or more lines;
- (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 relay services that is not an incumbent local exchange carrier.

Puc 402.11 "Incumbent local exchange carrier (ILEC)" means an entity, and its successors and assigns, authorized under law or by the commission before July 23, 1995, to provide telephone exchange service.

Puc 402.12 "Incumbent local exchange carrier operating as an excepted local exchange carrier (ILEC–ELEC)" means an ILEC which also meets the definition of an ELEC.

Puc 402.13 "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.

Puc 402.14 "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 that has been issued a certificate of registration by the commission to provide payphone service.

Puc 402.15 "Reportable accident" means an accident occurring in New Hampshire in connection with the utility's property or facilities in which:

- (a) A fatality has occurred;
- (b) A serious injury has occurred;
- (c) Property damage over \$100,000 has occurred, to the extent known by the utility;
- (d) An electrical contact has occurred;
- (e) A state highway has been closed; or
- (f) Consequences of a magnitude or severity comparable to those described in (a) through (e) above are involved.

Puc 402.16 "Rural Telephone Company (RTC)" means an ILEC meeting the definition of rural telephone company under 47 U.S.C. § 153(44).

Puc 402.17 "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.

Puc 402.18 "Significant facility disruption" means an outage of facilities owned, operated, leased, or otherwise utilized by a telephone utility that is at least 30 minutes in duration and that:

- (a) Potentially affects at least 900,000 user minutes;
- (b) Affects at least 1,350 DS3 minutes;
- (c) Potentially affects any special offices and facilities listed in 47 C.F.R. § 4.5(b); or
- (d) Potentially affects a 911 special facility as defined in 47 C.F.R. § 4.5(e).

Puc 402.19 "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.

Puc 402.20 "Telephone utility" means a corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone messages for the public, including incumbent local exchange carriers, and excepted local exchange carriers.

Puc 402.21 "Transfer of customer base" means the acquisition through a sale or transfer of all or a part of the customer base of another carrier.

Puc 402.22 "Utility filing information" means:

- (a) The utility's legal name;
- (b) The utility's telephone utility identification number, if one has been provided;
- (c) Each trade name the utility uses with its customers;
- (d) The utility's complete mailing address;
- (e) The utility's telephone number;
- (f) The utility's email address;
- (g) The utility's website address;
- (h) The utility's federal employer identification number (FEIN);
- (i) The printed name and title of the authorized representative signing the form; and
- (j) The current date.

Puc 402.23 "Voice service" means the conveyance of telephone messages for the public.

PART Puc 403 TELEPHONE UTILITY REQUIREMENTS

Puc 403.01 Purpose. The purpose of this part is to establish requirements for all telephone utilities.

Puc 403.02 Application. ILECs and ELECs shall comply with En 403 through 409.

PART Puc 404 TELEPHONE UTILITY REGULATORY REQUIREMENTS

Puc 404.01 Tariff for Wholesale Services.

(a) Telephone utilities that offer wholesale services to other carriers shall maintain a complete tariff of such services with the commission pursuant to Puc 1600 for:

- (1) Services required by 47 U.S.C. § 251 (c);
- (2) Services referred to as tariffed in interconnection agreements filed pursuant to 47 U.S.C. § 252; and
- (3) Intrastate access service.

(b) When a telephone utility's intrastate access tariff is the same as its interstate access tariff the interstate tariff may be filed pursuant to Puc 1600 as the intrastate tariff.

Puc 404.02 TRS.

(a) ELECs and ILECs shall provide, directly or indirectly, telecommunications relay services pursuant to 47 C.F.R. § 64.603.

(b) ELECs providing local service and ILECs 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) ELECs and ILECs 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.

Puc 404.03 E911.

(a) ELECs providing local service and ILECs shall make available the universal emergency telephone number 911 pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency.

(b) ELECs providing local service and ILECs shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.

(c) ELECs and ILECs shall remit monthly the amount collected pursuant to (b) above to:

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

PART Puc 405 CONSUMER PROTECTION

Puc 405.01 Slamming Prohibited.

(a) ELECs and ILECs shall comply with RSA 374:28-a and FCC slamming regulations, 47 C.F.R. § 64.1100-1170 and 1190.

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

(c) After notice and opportunity for hearing, the commission shall withdraw any authorization granted to an ELEC or ILEC found to have engaged in flagrant and repeated slamming in violation of RSA 374:28-a.

(d) A transfer of customer base pursuant to Puc 405.03 shall not constitute slamming.

Puc 405.02 Cramming Prohibited.

(a) For purposes of this section:

(1) "Cramming" means a submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a customer's utility bill. Cramming does not include charges required or explicitly authorized by law;

(2) "Billing aggregator" means a person, other than a service provider, who forwards a charge for a product or service offered by a service provider to the utility company for billing to the customer; and

(3) "Service provider" means a person that offers a product or service to a customer and directly or indirectly sends the billable charges or credits to the utility company for billing to the customer.

(b) Telephone utilities shall not disconnect voice service based on a customer's failure to pay disputed charges from billing aggregators or service providers.

PART Puc 406 ELEC INTERCARRIER OBLIGATIONS

Puc 406.01 Carrier to Carrier Migrations. In addition to complying with En 407.05, ELECs shall comply with the following:

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

(b) When migrating end users, ELECs 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.

(c) ELECs shall not market to retain a customer as the result of receiving a request for a customer service record.

"PART Puc 407 ELEC AND ILEC COMMON FORMS

Puc 407.01 Form T-4 Transfer of Customer Base Report. In connection with any transfer of customer base in which the acquiring carrier is a telephone utility, the acquiring carrier shall file with the commission and the department the "Transfer of Customer Base Report" form required by En 404.10. The "Transfer of Customer Base Report" shall include:

(a) Utility filing information for the selling or transferring company;

(b) Utility filing information for the acquiring company;

(c) The number of New Hampshire customers affected;

(d) The effective date of the transfer; and

(e) An attached En Form T-1 “Contact and Trade Name Information”, for the acquiring company, if the acquiring company is a telephone utility, as specified in En 409.01.

PART Puc 408 ADDITIONAL REQUIREMENTS APPLICABLE TO ILECS OPERATING AS ELECS (ILEC-ELECS)

Puc 408.01 Purpose. The purpose of this part is to establish additional requirements for all incumbent local exchange carriers operating as an excepted local exchange carrier (ILEC-ELEC).

Puc 408.02 Application. ILEC-ELECS shall comply with Puc 408.

Puc 408.03 Basic Service.

(a) An ILEC–ELEC shall change its rates for basic service only through the following process:

(1) After August 10, 2020, the ILEC–ELEC may increase its rates to any level without commission review or approval; and

(2) Without commission review or approval, the ILEC–ELEC shall limit increases to its rates for basic service subject to the following cap in each 12-month period beginning August 10, 2012 or the effective date of an existing alternative plan of regulation approved by the commission, pursuant to RSA 374:22-p, VIII (b):

a. For customers who are enrolled in the Lifeline Telephone Assistance program, the cap is 5%; and

b. For all other customers, the cap is 10%.

(b) Any ILEC proposing to change its basic service coverage area shall comply with the following provisions:

(1) An ILEC which seeks to change geographic boundaries or other policies that would change the geographic area which can be reached using a local call, shall petition the commission for review and approval of the change.

(2) Such petition may include a proposed rate adjustment to reflect the change in coverage.

(c) The commission shall approve the proposal described in the petition filed pursuant to (b) if the proposed change results in service comparable to or superior to the basic service offered on August 10, 2012. and

Puc 408.04 Interconnection Requirements. ILECs that are not exempt pursuant to 47 U.S.C. § 251(f) shall:

(a) Maintain a tariff for the following:

(1) Interconnection services;

- (2) Unbundled network elements;
 - (3) Collocation; and
 - (4) Resale;
- (b) Identify services available for resale in such tariff;
- (c) 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;
- (d) Not require collocation to achieve interconnection;
- (e) Provide interconnection that has a level of quality that is equal to that which the ILEC provides itself;
- (f) Provide interconnection on terms and conditions that are nondiscriminatory and no less favorable than the terms and conditions the ILEC provides to itself;
- (g) Provide citations to necessary technical references to carriers who interconnect or seek to interconnect;
- (h) Not charge a carrier for the cost and timely correction of violations of the National Electrical Safety Code that are not the direct result of a carrier's request to access poles, ducts, conduits, or rights of way; and
- (i) When reaching an agreement for interconnection services, or network elements pursuant to the Telecommunications Act of 1996, file the agreement with the commission within 30 days of execution.

Puc 408.05 Denial of Interconnection Requests.

- (a) A carrier may submit a request for interconnection at a technically feasible point not listed in Puc 408.04 (c).
- (b) A carrier whose request for interconnection at a point not listed in Puc 408.04 (c) 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 carrier's request for interconnection at a point not listed in Puc 408.04 (c) unless the ILEC proves that interconnection at that point is not technically feasible.

(d) The commission's review of whether an interconnection at a point not listed in Puc 408.04 (c) is technically feasible shall include a review of 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.

APPENDIX

Rule	Specific State Statute the Rule Implements
Puc 401.01	RSA 365:8; RSA 374:3
Puc 401.02	RSA 365:8; RSA 374:3
Puc 402.01	RSA 365:8; RSA 374:1; RSA 374:3
Puc 402.02	RSA 365:8; RSA 374:22-p
Puc 402.03	RSA 365:8; RSA 374:3
Puc 402.04	RSA 365:8; RSA 374:3
Puc 402.05	RSA 365:8; RSA 374:3
Puc 402.06	RSA 365:8; RSA 374:3
Puc 402.07	RSA 365:8; RSA 374:1; RSA 374:3
Puc 402.08	RSA 12-P:5, IV; RSA 374:3
Puc 402.09	RSA 365:8; RSA 374:3
Puc 402.10	RSA 365:8; RSA 362:7
Puc 402.11	RSA 362:7(b); RSA 362:8, I; RSA 365:8; RSA 374:3; 378:18-b; 47 USC 251(h)
Puc 402.12	RSA 362:7(b); RSA 362:7(c); RSA 365:8; 47 USC 251(h)
Puc 402.13	RSA 365:8; 47 CFR 64.1330(b)
Puc 402.14	RSA 362:2; RSA 365:8; 47 CFR 64.1330(b)
Puc 402.15	RSA 365:8; RSA 374:1; RSA 374:3
Puc 402.16	RSA 374:22-g; 47 USC 153(44)
Puc 402.17	RSA 365:8; RSA 374:3
Puc 402.18	RSA 365:8; RSA 374:1; RSA 374:3
Puc 402.19	RSA 362:8, I; RSA 365:8; 47 USC 225(b)
Puc 402.20	RSA 362:2; RSA 362:7; RSA 365:8
Puc 402.21	RSA 365:8; RSA 374:1-a; 374:28-a
Puc 402.22	RSA 365:8; RSA 374:3
Puc 402.23	RSA 362:2; RSA 362:7; RSA 365:8
Puc 403.01	RSA 362:2; RSA 362:7; RSA 365:8; RSA 374:1; RSA 374:3
Puc 403.02	RSA 362:2; RSA 362:7; RSA 365:8; RSA 374:1; RSA 374:3
Puc 404.01	RSA 362:2; RSA 362:7; RSA 365:8; RSA 378:1; RSA 378:3
Puc 404.02	RSA 362:8, I; RSA 365:8; 47 CFR 64.603
Puc 404.03	RSA 362:8, I; RSA 365:8; RSA 106-H:9
Puc 405.01	RSA 362:8, I; RSA 365:8, VII & XII; RSA 374:1-a; 374:28-a
Puc 405.02	RSA 365:8; RSA 378:1-a; RSA 378:44-48
Puc 406.01	RSA 362:8, I; RSA 365:8, VII & X0II; 47 USC 251(a)
Puc 407.01	RSA 365:8; RSA 374:28-a; RSA 641.3
Puc 408.01	RSA 362:2; RSA 362:7; RSA 365:8; RSA 374:1; RSA 374:3
Puc 408.02	RSA 362:2; RSA 362:7; RSA 365:8; RSA 374:1; RSA 374:3
Puc 408.03	RSA 362:8, IV; RSA 365:8; RSA 374:22-p
Puc 408.04	RSA 362:7, III(c); RSA 362:8, I; RSA 365:8; 47 USC 251(b) & (c)

Puc 408.05	RSA 362:7, III(c); RSA 362:8, I; RSA 365:8; 47 USC 251(b) & (c)
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