

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 23-060

T-MOBILE USA, INC.

Petition for Termination of Captioned Telephone Service

Order Modifying Effective Dates of Order *Nisi* No. 26,880

O R D E R N O. 26,883

September 12, 2023

In this order, the Commission extends the expected effective date of Order *Nisi* No. 26,880 (August 31, 2023) to October 31, 2023. This Order had approved, on a *nisi* basis, T-Mobile USA, Inc.'s petition to terminate its Captioned Telephone Service in New Hampshire, as of September 30, 2023. With this extension, made because of T-Mobile USA, Inc.'s inability to meet the notice requirements of Order No. 26,880, the termination of Captioned Telephone Service for the nine (9) remaining customers of Captioned Telephone Service in New Hampshire is expected to occur as of October 31, 2023.

I. BACKGROUND AND PROCEDURAL HISTORY

On June 8, 2023, T-Mobile USA, Inc. (T-Mobile) filed a petition for Commission approval to discontinue T-Mobile's Captioned Telephone Service beginning on September 30, 2023 (T-Mobile Petition). The T-Mobile Petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-060.html>.

An overview of the T-Mobile Petition, and the procedural history for the earlier phases of this docket, may be read within the Commission's Order *Nisi* No. 26,880, which approved T-Mobile's petition to terminate Captioned Telephone Service with an

expected effective date of September 30, 2023, as requested by T-Mobile. See Order No. 26,880.

Pursuant to the *nisi* format, the Commission established the following ordering clauses within Order No. 26,880 (at Pages 4 and 5), governing the conditions precedent for the termination of Captioned Telephone Service as of September 30, 2023 to take effect:

FURTHER ORDERED, that T-Mobile USA, Inc. ***shall inform each of its eleven effected analog Captioned Telephone Service customers of this order*** through written notice, such notice to be made no later than September 5, 2023, and to be documented by affidavit filed with the Commission on or before September 11, 2023; and it is

FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 15, 2023, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 22, 2023; and it is

FURTHER ORDERED, that this order shall be effective September 29, 2023, **unless T-Mobile fails to satisfy the publication obligation as set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.** (Emphasis added).

In this instance, T-Mobile filed an affidavit regarding its purported provision of written notice to its Captioned Telephone Service customers regarding Order *Nisi* 26,880 on September 11, 2023 (T-Mobile Affidavit). The T-Mobile Affidavit stated the following: (1) there are now nine (9) Captioned Telephone Service customers remaining, as compared to the eleven (11) cited in the T-Mobile Petition; (2) T-Mobile does not have contact information (including mailing addresses) for these nine customers in New Hampshire; (3) T-Mobile is "coordinating with the [New Hampshire Telecommunications Assistance Program (NH-TEAP)] to notify active [Captioned Telephone Service] users via mail," and "...NH-TEAP will mail notices to active users..."

... “as soon as possible.” T-Mobile Affidavit at Pages 1-2. T-Mobile also stated that Captioned Telephone Service users in New Hampshire, as of September 1, 2023, would receive an automated electronic message through their equipment informing them of the impending termination of Captioned Telephone Service as of September 30, 2023, with no mention of the Commission’s Order *Nisi* No. 26,880 within the message. *Id.* at 1. Within the T-Mobile Petition, T-Mobile had indicated to the Commission that it could continue provision of analog Captioned Telephone Service to its customers beyond September 30, 2023 if ordered by the Commission, through a third-party provider, Hamilton Telephone. T-Mobile Petition at Page 2.

II. COMMISSION ANALYSIS

RSA 365:28 states the following: “At any time after the making and entry thereof, the [C]ommission may, after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it. This hearing shall not be required when any prior order made by the [C]ommission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held.” (Emphasis added). Furthermore, by the terms of Order *Nisi* 26,880: “...this order shall be effective September 29, 2023, unless T-Mobile fails to satisfy the publication obligation as set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.” Order No. 26,880 at 5.

In this instance, the T-Mobile Petition did not strictly require a hearing, though the Commission sought to give the nine customers impacted by the proposed termination of T-Mobile Captioned Telephone Service notice of the impending termination and the Commission’s reasoning in Order No. 26,880, with the option of requesting a hearing. However, to the surprise of the Commission, T-Mobile does not have the mailing addresses of these nine customers available at this time, and the

electronic message provided to these customers through the Captioned Telephone Service equipment makes no mention of Order No. 26,880, or any Commission process.

In light of this, the notice requirements of Order No. 26,880 have not been met, and we hereby reschedule the expected effective date of Order No. 26,880 to October 31, 2023, with a requirement that T-Mobile work with NH-TEAP to secure the mailing addresses of the nine remaining Captioned Telephone Service customers and mail written notice of this Order and Order Nisi No. 26,880 to these customers no later than September 26, 2023, with affidavit of same to be filed with the Commission no later than October 4, 2023. This means that T-Mobile must continue the provision of analog Captioned Telephone Service in New Hampshire through either its own system, or by contracting with Hamilton Telephone or some other third party, during the pendency of this updated effective date. We note that compliance with the notice requirements in this proceeding, and the mailing of written notice of Order No. 26,880 and this Order, is the responsibility of T-Mobile, and though NH-TEAP may assist T-Mobile with securing the written addresses of these customers, T-Mobile may not “outsource” responsibility of compliance with these notice requirements to NH-TEAP, or to any other third party.

Based upon the foregoing, it is hereby

ORDERED, that the operative dates of Order *Nisi* No. 26,880, including the effective date, are hereby MODIFIED as delineated below, pursuant to RSA 365:28, and the terms of Order *Nisi* No. 26,880; and it is

FURTHER ORDERED, that T-Mobile USA, Inc. shall inform each of its nine effected analog Captioned Telephone Service customers of this order and Order No. 26,880 through written and mailed notice, such notice to be made no later than

September 26, 2023, and to be documented by affidavit filed with the Commission on or before October 4, 2023; and it is

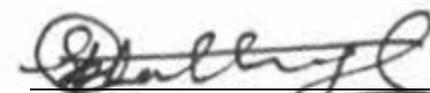
FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than October 10, 2023, for the Commission's consideration; and it is

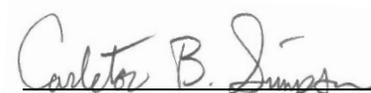
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 17, 2023; and it is

FURTHER ORDERED, that Order *Nisi* No. 26,880 shall now be effective October 31, 2023, with T-Mobile USA, Inc.'s termination of Captioned Telephone Service to be as of October 31, 2023, unless T-Mobile fails to satisfy the publication obligation as set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twelfth day of September, 2023.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-060

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