

Adopt En 400 to read as follows:

CHAPTER En 400 RULES FOR TELEPHONE UTILITIES

PART En 401 PURPOSE AND APPLICATION

En 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.

En 401.02 Application.

(a) Parts En 401 through En 409 of this chapter shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996. Part En 410 of this chapter shall apply to all incumbent local exchange carriers (ILECs) operating as excepted local exchange carriers (ELECs) except to the extent preempted by the Telecommunications Act of 1996. Part En 411 shall apply to reports and filings applicable to Voice over Internet Protocol (VoIP) service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider or any entity to which RSA 363-A:2, I(c) applies. Part En 413 of this chapter shall apply to telecommunications carriers as defined under the Communications Act of 1934, as amended.

(b) These rules do not apply to VoIP and 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 department rules shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996:

- (1) En 102, relative to definition of terms;
- (2) En 200, procedural rules;
- (3) En 800, underground utility damage protection program; and
- (4) En 1300, utility pole attachments.

PART En 402 DEFINITIONS

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

En 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 identification 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."

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

En 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.

En 402.05 "Competitive toll provider (CTP)" means any carrier authorized to provide intra local access and transport area (intraLATA) toll service, except for an ILEC-ELEC that provides toll service exclusively to its local service customers in New Hampshire.

En 402.06 "Contact information" means:

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

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

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

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

En 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 has elected to be excepted by filing with the commission a written notice advising of said election prior to July 1, 2021; or
- (c) Any provider of telecommunications services that is not an incumbent local exchange carrier, including CLECs, CTPs, and PSPs.

En 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.

En 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.

En 402.13 RESERVED.

En 402.14 "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.

En 402.15 "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 department to provide payphone service.

En 402.16 "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.

En 402.17 "Rural telephone company (RTC)" means an ILEC meeting the definition of rural telephone company under 47 U.S.C. § 153(44).

En 402.18 "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.

En 402.19 "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).

En 402.20 "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.

En 402.21 "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.

En 402.22 "Transfer of customer base" means the acquisition through a sale or transfer of all or a part of the customer base of another carrier.

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

PART En 403 TELEPHONE UTILITY REQUIREMENTS

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

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

PART En 404 TELEPHONE UTILITY REGULATORY REQUIREMENTS

En 404.01 RESERVED.

En 404.02 Authorization Required to Provide Voice Service.

(a) No person or entity shall provide voice services in any area of New Hampshire unless and until that person or entity is registered as an ELEC authorized in that area.

(b) To apply for authorization to provide voice service a person or entity shall complete and file Form T-8 "Application for Registration to Provide Voice Service" dated 6/2024 and acknowledge and certify as follows:

- (1) "I attest that the applicant will comply with all applicable New Hampshire laws and Department policies, rules and orders.";
- (2) "I attest that the applicant has the necessary managerial qualifications, technical competence, and financial resources to operate the telephone utility for which the applicant seeks registration."; and
- (3) "I certify that the information on this form is true and correct to the best of my knowledge and belief subject to the penalty for making unsworn false statements under RSA 641:3."

(c) If the applicant seeks to provide service in the territory of an RTC, such RTC shall be provided an opportunity to propose to the department that the ELEC be required by the department to meet the requirements of 47 U.S.C. § 253(f) regarding eligible telecommunications carrier qualifications before providing such service. The department shall determine whether to impose such a requirement through an adjudicative proceeding.

(d) If an applicant seeking to provide service in the territory of an RTC indicates in its petition that it will meet the requirements of 47 U.S.C. § 253(f) regarding eligible telecommunications carrier qualifications, then (c) above shall not apply.

(e) Unless the department denies an application for ELEC registration pursuant to En 404.03, the department shall authorize the applicant to provide voice service in the specified territory and issue the applicant a telephone utility identification number if the applicant was not previously assigned one. Such authorization shall include any requirement imposed pursuant to (c) above.

En 404.03 Denial of Registration.

(a) When determining whether to grant or deny an application for registration pursuant to En 404.02, the department shall deny an application for registration if, and only if, it determines that the applicant or its general partners, corporate officers, directors of the company, limited liability company managers or officers have:

- (1) Committed an act that would constitute a violation of these rules;
- (2) Within the 10 years immediately prior to registration, had any civil, criminal, or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;
- (3) Knowingly made a material false statement of fact in the application; or
- (4) Demonstrated on its application such flagrant or repeated violations of the requirements to operate as a utility or a competitive carrier in other state(s) that the department determines that it is not in the public good to allow registration.

(b) In the event that the department denies an application for registration, the applicant may, within 30 days, file a request for reconsideration.

En 404.04 Assessment. Telephone utilities shall be assessed pursuant to RSA 363-A.

En 404.05 RESERVED.

En 404.06 Website. Each ELEC and ILEC shall post the rates, fares, charges, prices, terms, and conditions of all voice services on its publicly available website.

En 404.07 Accident Notifications.

(a) Each ELEC shall notify the department immediately by telephone when it becomes aware that a reportable accident has occurred in connection with its facilities or property within the state of New Hampshire.

(b) The ELEC shall contact the first representative listed for telephone accident notifications on the accident notification roster, at the telephone number provided, and, if that representative is unavailable, the ELEC shall work sequentially through the accident notification roster until it speaks directly with one of the department representatives listed therein.

(c) If direct contact with a department representative is not successful, the ELEC shall call the department general telephone listing, provided in the accident notification roster, and leave a voice mail message:

- (1) Identifying the ELEC and the name and return telephone number of the individual attempting to report; and

(2) Stating that an accident requiring notification has occurred.

(d) The ELEC shall provide the department with the following information as soon as direct contact is made with a department representative:

(1) The name of the ELEC;

(2) The name of the person making the report and the telephone number at which such person can be reached;

(3) A brief description of the accident or event and location including but not limited to;

- a. The name of the injured person;
- b. The nature and extent of injury;
- c. Whether the accident involved electric contact;
- d. The injured person's relationship with the ELEC; and
- e. Previous report if applicable;

(4) The time at which:

- a. The accident or event occurred; and
- b. The ELEC was first notified of the accident or event;

(5) A description of any fatalities including date of death, personal injuries, and damages; and

(6) Any other information relevant to the cause of the accident and the extent of the damages.

(e) Direct contact required by (d) above shall be deemed made when:

(1) A department representative answers a telephone call from the ELEC representative calling pursuant to (b) above; or

(2) A department representative returns a call and speaks directly with the ELEC's representative in response to (c) above.

(f) Notification of a reportable accident shall be deemed complete once the information required in (d) above has been conveyed to a department representative.

(g) In addition to notifying the department, an ELEC shall complete and file Form T-3 "Utility Accident Report" dated 6/2024, for each reportable accident within 10 business days of the accident.

En 404.08 General Preservation and Availability of Records.

(a) ELECs shall preserve all records required by En 200 and En 400 for a period of 2 years unless otherwise designated by the department's rules governing the preservation of records.

(b) ELECs shall make available the records required to be preserved pursuant to (a) above to the department for examination during the telephone utility's normal business hours.

En 404.09 Notices to Customers.

(a) Unless otherwise specified, any notice to customers required by these rules shall:

- (1) Include the company name and relevant contact telephone number;
 - (2) Be provided:
 - a. In a separate mailing;
 - b. As a bill insert; or
 - c. By clear and conspicuous notice printed on the customer's bill; and
 - (3) Be sent separately from communications that would otherwise include only promotional materials.
- (b) Notices pursuant to this section may be delivered electronically to those customers who have elected to receive bills and notices electronically.

(c) Electronic delivery pursuant to (b) above shall not include posting a notice on a publicly available website without direct notification to the customer pursuant to this section.

En 404.10 Transfers of Customer Base.

(a) 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 following documents:

- (1) A copy of the letter notification and any subsequent notices of changed information submitted to the FCC pursuant to 47 C.F.R. § 64.1120(e), to be filed at the same time of submission to the FCC; and
- (2) A copy of the commission's Form T-4 "Transfer of Customer Base Report" to be filed 30 days prior to the occurrence of the transfer of customer base.

(b) In connection with any transfer of customer base in which the acquiring carrier is not a telephone utility, the selling or transferring carrier shall file with the commission and the department the following documents:

- (1) A copy of the letter notification and any subsequent notices of changed information submitted by the acquiring carrier to the FCC pursuant to 47 C.F.R. § 64.1120(e), to be filed within 3 days of submission to the FCC; and
- (2) A copy of the commission's Form T-4 "Transfer of Customer Base Report" to be filed 30 days prior to the occurrence of the transfer of customer base.

En 404.11 Number Portability Notice. Before terminating any customer's telephone service for any reason other than customer request or customer non-payment of amounts billed for prior services rendered, ELECs providing local service shall provide at least 10 days' notice to the customer. This notice shall include a description of the process by which the customer may transfer the telephone number to another provider.

En 404.12 Payphones.

(a) Any payphone shall have the following functionalities, without charge to the customer:

- (1) A dial tone signal;
- (2) 911 emergency access; and

(3) Access to TRS.

(b) An ELEC that maintains payphones shall allow and assist the department when the department shall, from time to time, inspect the payphones the ELEC maintains and the manner in which each such ELEC has conformed to statutes, rules, and orders applicable to payphones.

PART En 405 RESERVED.

PART En 406 TELEPHONE UTILITY EQUIPMENT AND FACILITIES

En 406.01 Construction, Installation, and Maintenance of Physical Plant.

(a) Telephone utilities shall construct, install, and maintain their plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2023 edition, as available as noted in Appendix B.

(b) Telephone utilities shall construct, install, and maintain their plant, structures, equipment, and lines to prevent interference with service furnished by other carriers and by other public service facilities, such as cable, fire alarm, electric, water, sewer, gas, or steam facilities.

En 406.02 Emergency Operations. ELECs shall adopt generally accepted best industry practices or otherwise make reasonable provisions to:

(a) Meet emergencies and storm restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment located within public rights-of-way and on, over, or under state lands and water bodies;

(b) Ensure that their facilities remain safe and adequate in the event of cyber attacks;

(c) Ensure that their facilities remain safe and adequate under emergency circumstances and other foreseeable adverse conditions; and

(d) Conform with federal regulations regarding disaster preparedness.

En 406.03 Significant Facility Disruption.

(a) ELECs shall report significant facility disruptions within 120 minutes of occurrence by e-mail notification to svcTelcoOutage@energy.nh.gov.

(b) The e-mail notification sent pursuant to (a) above shall accept reply messages from the department.

(c) In the event the ELEC does not receive confirmation of receipt of the e-mail from the department, it shall place a call to the department's main number to report the significant facility disruption.

(d) ELECs shall report significant facility disruptions in writing to the department by completing Form T-5 "Facility Disruption Report" dated 6/2024, which shall be filed within 10 days of the disruption.

PART En 407 ELEC INTERCARRIER OBLIGATIONS

En 407.01 Intercompany Cooperation. ELECs shall cooperate with all carriers to ensure an ubiquitous telephone network in New Hampshire capable of completing all calls, over which customers perceive no transition from one carrier to the next.

En 407.02 Provision of Interconnection. ELECs shall interconnect directly or indirectly with the facilities and equipment of other carriers.

En 407.03 Network Changes. At least 6 months prior to network changes which might affect existing or pending interconnections, ELECs shall make available necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

En 407.04 Switching and Signaling Obligations.

- (a) ELECs shall provide answer and disconnect supervision in accordance with industry standards.
- (b) ELECs shall deliver to their customers all calls unless screened or blocked at the customer's request.
- (c) ELECs shall provide access to operator services pursuant to the Telecommunications Act of 1996.
- (d) ELECs shall provide reasonable access to all signaling information pursuant to industry protocols.
- (e) ELECs shall not interfere with the transmission of signaling information.
- (f) ELECs shall communicate, on a demand and preventative basis, information regarding maintenance necessary to ensure successful call completion.

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

- (a) When porting a customer's number to another carrier, ELECs shall release the number without delay or consideration of any issue such as the customer's account balance.
- (b) ELECs that have implemented a long-term database number portability method pursuant to 47 C.F.R. § 52.23 shall port a customer's number to another carrier in accordance with 47 C.F.R. §52.35.

En 407.06 Directories.

(a) If a carrier wishes to list its customers' telephone numbers in the same published white and yellow pages telephone directory or directories in which an ELEC causes its own customers' telephone numbers to be published, the ELEC shall permit such listing on a non-discriminatory access basis.

(b) ELECs shall provide publishers and any other person or business with reasonable, nondiscriminatory access to subscriber listing information for the purpose of publishing telephone directories or providing directory assistance, and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.

(c) ELECs shall not publish or list numbers for which other ELECs request non-directory listed or non-published status.

PART En 408 ELEC REPORTS AND FILINGS

En 408.01 Due Annually.

(a) Form T-1 "Contact and Trade Name Information" dated 6/2024 shall be completed and filed by the ELEC on or before March 31 of each year, and shall cover the most recent calendar year.

(b) Form T-2 "Assessment Report" dated 6/2024 shall be completed and filed by the ELEC on or before March 31 of each year, and shall cover the most recent calendar year.

(c) If the ELEC operated any payphones during the previous year, it shall complete and file Form T-6 "Payphone Location Report" dated 6/2024, on or before March 31 of each year, covering the most recent calendar year.

En 408.02 Event-Driven. ELECs shall complete and file the following reports with the department within 30 days of the event that necessitates the filing, unless otherwise specified:

(a) A Form T-1 "Contact and Trade Name Information" as dated 6/2024, on the occurrence of any change in the information on the ELEC's most recently filed T-1;

(b) A Form T-3 "Utility Accident Report" as dated 6/2024, on the occurrence of a reportable accident pursuant to En 404.07(g);

(c) A copy of the commission's Form T-4 "Transfer of Customer Base Report," 30 days prior to the occurrence of a transfer of customer base;

(d) A Form T-5 "Facility Disruption Report" dated 6/2024, on the occurrence of a significant facility disruption, pursuant to En 406.03(d);

(e) A Form T-7 "Exchange Eligibility Report" dated 6/2024, when becoming eligible to provide service in an exchange; and

(f) A Form T-8 "Application for Registration to Provide Voice Service" dated 6/2024 prior to offering such service in an area in which the applicant is not yet authorized.

En 408.03 Submitting Reports and Forms.

(a) ELECs shall submit all reports and forms to the department by the following methods:

(1) Mail or other delivery to:

New Hampshire Department of Energy
21 South Fruit Street, Suite 10
Concord, NH 03301-2429; or

(2) Electronic report filing as the department shall provide on the department website at telecom-info-reports@energy.nh.gov.

(b) ELECs making an electronic filing pursuant to (a)(2) above shall comply with Puc 202.06 regarding filing requirements except that under this section, they shall submit the original by mail and the electronic copy by email.

En 408.04 Confidential Treatment. ELECs which seek confidential treatment of any report or any portion of a report required by this Chapter shall comply with the applicable provisions of En 201.04, En 201.06, En 201.07, and En 203.08.

PART En 409 ELEC COMMON FORMS

En 409.01 Form T-9 Withdrawal of Authorization to Operate As a Telephone Utility In New Hampshire. An ELEC may request that the department consider its withdrawal of authorization to operate as an ELEC by completing and filing Form T-9 "Withdrawal of Authorization to Operate as a Telephone Utility in New Hampshire" dated 6/2024.

PART En 410 ADDITIONAL REQUIREMENTS APPLICABLE TO ILECS OPERATING AS ELECS (ILEC-ELECs)

En 410.01 Purpose. The purpose of this part is to establish additional requirements for all ILEC-ELECs.

En 410.02 Application. ILEC-ELECs shall comply with En 410.

En 410.03 Basic Service.

(a) An ILEC-ELEC shall not require a customer to purchase or subscribe to any other service, feature, or product, whether separate from or in combination with basic service, or on an unbundled or bundled basis with basic service, in order to obtain basic service offered by the ILEC-ELEC. This rule shall not preclude an ILEC-ELEC from charging a customer construction costs or other non-recurring costs on a non-discriminatory basis that would not discourage the customer from selecting residential basic service.

(b) An ILEC-ELEC shall not require an existing or prospective basic service customer to waive, release, or otherwise relinquish any rights or remedies under the En 400 rules or the statutes implemented by these rules, including, but not limited to, the right to submit a complaint to the department pursuant to En 410.05.

(c) An ILEC-ELEC shall not impose exit fees on a customer who cancels basic service.

(d) An ILEC-ELEC that is unable to provide basic service to a current or prospective customer upon application therefor shall comply with the following provisions:

(1) An ILEC-ELEC shall keep a record as to each instance in which it is not able to supply basic service to prospective customers within 10 days following the customer's application for service;

(2) The record required by (d)(1) above shall be provided to the department on request; and

(3) The record shall include:

a. The name, address, and telephone number of each applicant who was not provided service within 10 days;

b. The date of application for service;

c. The class of service applied for; and

d. The reason the ILEC-ELEC was unable to provide service within 10 days of the customer's application.

En 410.04 ILEC-ELEC Discontinuations of Basic Service.

(a) An ILEC-ELEC shall not discontinue residential basic service in any portion of its franchise area without department authorization.

(b) For purposes of this section, "discontinue" means:

(1) Charging discriminatory construction costs or other non-recurring costs that would discourage a customer from selecting residential basic service;

(2) Imposing discriminatory deposit requirements for residential basic service; or

(3) Systematic disconnection of residential basic service.

(c) If an ILEC-ELEC has received notification within the past 60 days from a licensed physician or mental health professional that a medical emergency exists at a customer's location, or would result from the discontinuation of residential basic service to such location, the ILEC-ELEC shall not discontinue service to such customer without department authorization, unless the customer has failed to enter into or comply with an arrangement for repayment of any outstanding balance.

En 410.05 Complaints Regarding Basic Service. The department shall accept and resolve complaints from ILEC-ELEC customers regarding basic service.

PART En 411 REPORTS AND FILINGS APPLICABLE TO VoIP SERVICE OR AN IP-ENABLED SERVICE.

En 411.01 Applicability. This section shall apply to VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7(d)(1) and (3), other than a cellular mobile radio communications service provider or any entity to which RSA 363:2, I(c) applies.

En 411.02 Due Annually.

(a) Form T-1 "Contact and Trade Name Information" dated 6/2024 shall be completed and filed by the entities identified in En 411.01 on or before March 31 of each year, and shall cover the most recent calendar year.

(b) Form T-2A "Assessment Report" dated 6/2024 shall be completed and filed by the entities identified in En 411.01 on or before March 31 of each year, and shall cover the most recent calendar year.

PART En 412 RESERVED

PART En 413 REGISTRATION OF TELECOMMUNICATIONS CARRIERS FOR RECOGNITION OF RIGHTS AND OBLIGATIONS UNDER FEDERAL LAW

En 413.01 Definitions. For purposes of this section:

(a) "Exchange" means any of the discrete geographical areas within New Hampshire for which the North American Numbering Plan Administration (NANPA) allocates blocks of telephone numbers;

(b) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in form or content of the information as sent and received;

(c) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used; and

(d) "Telecommunications carrier" means any provider of telecommunications services, except that the term does not include aggregators of telecommunications services.

En 413.02 Registration.

(a) A telecommunications carrier may register with the department by completing and filing Form TC-1 "Registration as a Telecommunications Carrier" dated 6/2024, available at the department website at <https://www.energy.nh.gov/utilities-providers/information-telecommunications-providers> in order to obtain evidence of its rights and obligations under the Communications Act of 1934, as amended.

(b) The department shall register a telecommunications carrier upon receipt of a form TC-1 which the department determines is complete.

(c) A registered telecommunications carrier that ceases providing telecommunications services in New Hampshire shall notify the department in writing or by completing and filing the Form TC-2 "Withdrawal of Registration as a Telecommunications Carrier in New Hampshire" dated 6/2024, of such cessation by signing and certifying as follows:

"I certify that the company on whose behalf this application is submitted seeks to have its registration as a provider of telecommunications services in New Hampshire withdrawn. I am aware that said company may offer telecommunications services in New Hampshire without any such registration, and that a lack of registration may result in some inconvenience in asserting rights available to telecommunications carriers. I make this certification subject to the penalty for making unsworn false statements under RSA 641:3."

(d) If the department determines that a telecommunications carrier is no longer providing telecommunications service in New Hampshire, as a result of such notification or by other means, the department shall terminate the registration of the telecommunications carrier.

En 413.03 Requests For Numbering Resources. At the time and in the event a registered telecommunications carrier requests numbering resources from the North American Numbering Plan Administration, the carrier shall comply with requirements for obtaining numbering resources established pursuant to 47 C.F.R. §52.15 and shall provide the department the following information:

(a) For initial requests for numbering resources in an exchange, evidence that the carrier will be capable of providing service within 60 days of the numbering resources activation date with facilities that are:

- (1) Physically located in the exchange;
- (2) Used to provide service to customers located in the exchange; and
- (3) Owned by the telecommunications carrier or a specified retail partner; and

(b) For requests for numbering resources in an exchange in which the carrier has previously obtained numbering resources, evidence that:

- (1) It has utilized at least 75% of the numbering resources in its possession in the exchange; and
- (2) Its existing supply of numbering resources will be exhausted within 6 months by customers located in the exchange.

APPENDIX A

Rule	Specific State Statute the Rule Implements
En 401.01	RSA 12-P:5, IV; RSA 374:3
En 401.02	RSA 12-P:5, IV; RSA 374:3
En 402.01	RSA 12-P:5, IV; RSA 374:1; RSA 374:3
En 402.02	RSA 12-P:5, IV; RSA 374:22-p
En 402.03	RSA 12-P:5, IV; RSA 374:3
En 402.04	RSA 12-P:5, IV; RSA 374:3
En 402.05	RSA 12-P:5, IV; RSA 374:3
En 402.06	RSA 12-P:5, IV; RSA 374:3
En 402.07	RSA 12-P:5, IV; RSA 374:1; RSA 374:3
En 402.08	RSA 12-P:5, IV; RSA 374:3
En 402.09	RSA 12-P:5, IV; RSA 374:3
En 402.10	RSA 12-P:5, IV; RSA 362:7(c)
En 402.11	RSA 12-P:5, IV; RSA 362:7(b); RSA 374:3; RSA 378:18-b; 47 USC 251(h)
En 402.12	RSA 12-P:5, IV; RSA 362:7(b); RSA 362:7(c); 47 USC 251(h)
En 402.13	RSA 12-P:5, IV; 362:7(b); RSA 362:7(c); 47 USC 251(h)
En 402.14	RSA 12-P:5, IV; 47 CFR 64.1330(b)
En 402.15	RSA 12-P:5, IV; RSA 362:2; 47 CFR 64.1330(b)
En 402.16	RSA 12-P:5, IV; RSA 374:1; RSA 374:3
En 402.17	RSA 12-P:5, IV; RSA 374:22-g; 47 USC 153(44)
En 402.18	RSA 12-P:5, IV; RSA 374:3
En 402.19	RSA 12-P:5, IV; RSA 374:1; RSA 374:3
En 402.20	RSA 12-P:5, IV; 47 USC 225(b)
En 402.21	RSA 12-P:5, IV; 362:2; RSA 362:7
En 402.22	RSA 12-P:5, IV; RSA 374:1-a; RSA 374:28-a
En 402.23	RSA 12-P:5, IV; RSA 362:2; RSA 362:7
En 403.01	RSA 12-P:5, IV; RSA 362:2; RSA 362:7; RSA 374:1; RSA 374:3
En 403.02	RSA 12-P:5, IV; RSA 362:2; RSA 362:7; RSA 374:1; RSA 374:3
En 404.01	RESERVED
En 404.02	RSA 12-P:5, IV; RSA 374:3; RSA 374:22
En 404.03	RSA 12-P:5, IV; RSA 374:3; RSA 374:22
En 404.04	RSA 12-P:5, IV; RSA 363-A:2
En 404.05	RESERVED
En 404.06	RSA 12-P:5, IV; RSA 374:3; RSA 378:1-a
En 404.07	RSA 12-P:5, IV; RSA 374:3; RSA 374:1
En 404.08	RSA 12-P:5, IV; RSA 365:6; RSA 374:4; RSA 374:18
En 404.09	RSA 12-P:5, IV; RSA 374:3
En 404.10	RSA 12-P:5, IV; RSA 362:7, III(e); RSA 374:1-a; RSA 374:3; RSA 374:59
En 404.11	RSA 12-P:5, IV; RSA 374:1-a; RSA 374:59
En 404.12	RSA 12-P:5, IV; 47 CFR 64.1330
En 405	RESERVED
En 406.01	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; RSA 374:34-a, VIII
En 406.02	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; RSA 374:34-a
En 406.03	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; RSA 374:34-a
En 407.01	RSA 12-P:5, IV; 47 USC 251(a); RSA 374:1; RSA 374:3; RSA 374:4
En 407.02	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; 47 USC 251(a)
En 407.03	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; 47 USC 251(a)

En 407.04	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; 47 USC 251(a)
En 407.05 (a) and (b)	RSA 12-P:5, IV RSA 374:1-a; RSA 374:59
En 407.06	RSA 12-P:5, IV RSA 374:22-p; 47 CFR 64.2301-2345
En 408.01	RSA 12-P:5, IV; RSA 363-A:2 & :4; RSA 374:1; RSA 374:3
En 408.02	RSA 12-P:5, IV; RSA 363-A:2 & :4; RSA 374:1; RSA 374:3; RSA 374:4
En 408.03	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:18
En 408.04	RSA 12-P:5, IV; RSA 91-A
En 409.01	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; RSA 641.3;
En 410.01	RSA 12-P:5, IV; RSA 362:2; RSA 362:7; RSA 374:1; RSA 374:3
En 410.02	RSA 12-P:5, IV; RSA 362:2; RSA 362:7; RSA 374:1; RSA 374:3
En 410.03 (a), (b) and (c)	RSA 12-P:5, IV; RSA 365:1; RSA 374:22-p, III; RSA 374:59
En 410.04	RSA 12-P:5, IV; RSA 374:22-p, VIII
En 410.05	RSA 12-P:5, IV; RSA 365:1; RSA 374:22-p
En 411.01	RSA 12-P-5, IV; RSA 362:7, I(d)(1) and (3); RSA 363-A:2, I(c) and I(d)
En 412	RESERVED
En 413.01	RSA 12-P:5, IV; RSA 363-A:2, III; RSA 374:34-a; RSA 374:59, II & III; 47 U.S.C. 224
En 413.02	RSA 12-P:5, IV; RSA 374:34-a; RSA 374:59, II & III; 47 U.S.C. 224
En 413.03	RSA 12-P:5, IV; RSA 374:59, II & III; 47 CFR 52.15

APPENDIX B**DOCUMENT INCORPORATED BY REFERENCE**

En 406.01(a)	National Electrical Safety Code, 2023 Edition	Available at: http://techstreet.com/ieee for non-member cost of \$214 for Secure PDF or \$237 for Printed Edition. IEEE Standards Association, 3916 Ranchero Drive, Ann Arbor, MI 48108. Telephone: 1-800-699-9277 or 1-734-780-8000.
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