

APPENDIX II-B

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
REQUEST FOR FISCAL IMPACT STATEMENT (FIS)

FIS Number _____ Rule Number En 400

1. Agency Name & Address: Department of Energy 21 S. Fruit St., Ste. 10 Concord, NH 03301	2. RSA Authority:	RSA 12-P:5, IV; RSA 365:1; RSA 362; RSA 374:1, :3, :4; RSA 374:22-g; RSA 374:22-p; RSA 374:59
	3. Federal Authority:	CFR 64.1330(b); 47 USC 251(h); 47 USC 255(b)
	4. Type of Action:	
	Adoption	<u> X </u>
	Amendment	<u> </u>
	Repeal	<u> </u>
	Readoption	<u> </u>
	Readoption w/amendment	<u> </u>
	Interim rule	<u> </u>
	5. Have the rules expired?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Date Expired:	<u> </u>

6. Short Title: **RULES FOR TELEPHONE UTILITIES**

7. Contact Person:

Name:	Marie-Helene Bailinson, Esq.	Title:	Hearings Examiner
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Remember:

- (a) A copy of the proposed rule or an annotated copy of the amended rule must accompany this form. The annotated copy shall use [brackets] to indicate deleted material, and underlining for added material, or any other annotation style allowed in Section 5.4 in Chapter 4 of the Drafting and Procedure Manual for Administrative Rules.
- (b) Please provide the methodology and any calculations used in determining the fiscal impact. Where appropriate or necessary, please attach a worksheet detailing the methodology and associated calculations.
- (c) This form may be replicated to expedite preparation.
- (d) Please allow 10 working days from day of receipt for the Office of Legislative Budget Assistant to complete the fiscal impact statement. Additional information about this form is in Section 2.3 in Chapter 3 of the Drafting and Procedure Manual for Administrative Rules.

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- (e) Please provide the following information and attach additional sheets if necessary:

NOTE: Pursuant to RSA 541-A:5, IV the fiscal impact of the proposed rule which was previously effective but has expired, or of a proposed rule which adopts a current agency policy, procedure or practice as a rule for the first time, shall not be assessed as an existing rule but as a proposed rule which is not yet effective.

- (1) Summarize the intended action and the proposed rule. The intended action is defined by RSA 541-A:5, VII as the proposed adoption, amendment, readoption, readoption with amendment, or repeal of a rule pursuant to RSA 541-A.

The intended action of the rulemaking is to adopt Chapter En 400.

The substance of the new Chapter En 400 rules proposed by the Department of Energy (Department) is based on various provisions of the existing Puc 400 rules, with the Chapter En 400 rules effectuating the division of regulatory responsibilities between the Department and the Public Utilities Commission (PUC). The Department drafted the Chapter En 400 rules in coordination with the PUC.

The Department intends to adopt new Chapter En 400 rules in accordance with RSA 12-P:2, which created the Department effective July 1, 2021. (2021, 91:187, eff. July 1, 2021)

The Department intends to adopt the existing sections of the Puc 400 rules where the Department's statutory authority to do so exists. The purpose of the En 400 rules is to establish standard procedures, general business rules, and guidelines for telephone utilities to comply with relevant statutes and Commission Orders. Additionally, En 413, which is based on Puc 413, provides the 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.

The Initial Proposal sets out regulatory requirements for voice service providers including (1) reports and filings concerning recognition and treatment of such providers as Excepted Local Exchange Carriers (ELECs) (See En 403-En 409), (2) Additional Requirements for ILECs Operating as ELECs (See En 410), and (3) Reports and filings applicable to VoIP Services and IP-Enabled Services providing voice capabilities described in RSA 362:7, I(d)(1) and (3), other than cellular mobile radio communications service providers. (See En 411)

- (2) Is the cost associated with this intended action mandated by the rule or by state statute? If the cost is mandated by statute, then the rule itself may not have a cost or benefit associated with it. Please state either the statute or chapter law that is instigating this rule.

The costs, if any, associated with these rules are the direct result of the creation of the Department under RSA 12-P:2, I and the division of existing regulatory responsibilities pertaining to telephone utilities between the Department and the PUC. The rules adopt the substance of existing Puc rules and do not impose any other costs. Accordingly, there are no additional costs mandated solely by the rules.

- (3) Compare the cost of the proposed rule with the cost of the existing rule, if there is an existing rule. Please provide the methodology and any calculations used in making your determination. If there is no cost, please explain why.

There are no incremental or net costs to the State of New Hampshire as a result of the proposed Chapter En 400 rules.

- (4) To the extent the proposed rule had expired, please indicate the cost of the expired rule as you do for a new rule, and if applicable, the difference in cost of any proposed change from the expired rule. Please provide the methodology and any calculations used in making your determination. If there is no cost, please explain why.

These are new rules being proposed by the Department and the corresponding provisions of the existing Puc 400 rules have not expired.

- (5) Describe the costs and benefits to the state general fund which would result from this intended action.

The Department does not expect any cost or benefit to the state general fund as a result of the proposed rules.

- (6) Explain and cite the federal mandate for the intended action, if there is such a mandate. How would the mandate affect state funds?

The proposed rules are not the result of a federal mandate.

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- (7) Describe the cost and benefits to any state special fund which would result.

There is no impact to any state special fund as a result of the proposed rules.

- (8) Describe the costs and benefits to the political subdivisions of the state.

The proposed rules are neutral as applied to political subdivisions of this state.

- (9) Describe the costs and benefits to the citizens of the state.

There are no direct costs to citizens of the state. Citizens benefit from the continuation of existing PUC rules which provide oversight and regulatory monitoring of voice service providers regarding registration and assessments, accident reporting, and transfers of customer base and number portability.

- (10) Describe the costs and benefits to any independently owned business, including a description of the specific reporting and recordkeeping requirements upon those employing fewer than 10 employees.

The Chapter En 400 rules do not impose any costs that are particular to independently-owned businesses or businesses employing fewer than 10 employees, and do not impose any new costs upon regulated utilities.