

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.

Edit: This is the first time the acronym appears in the chapter, so should spell out the full title here and establish the acronym.

Edit: lowercase

(a) Parts 401 through 409 of this chapter shall apply to all telephone utilities except to the extent preempted by the Telecommunications Act of 1996. Part 410 of this chapter shall apply to all ILECs operating as ELECs except to the extent preempted by the Telecommunications Act of 1996. Parts 411 shall apply to 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. Part 413 of this chapter shall apply to telecommunications carriers as defined under the Communications Act of 1934, as amended.

Edit: lowercase

Edit: Remove annotation formatting. These rules are being adopted, so there is no existing rules to annotate.

(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.

Edit: insert a dash

(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.

Unclear/Legis. Intent: RSA 362:7, I(d) is a definition for VoIP services. RSA 362:7, I(e) is a definition for IP-enabled services. It is unclear why neither of these terms are defined in the definition section below. If the terms are not going to be defined in the definitions section, then the statutory definition citations, both of them in full as the *Manual* requires the use of statutory definitions verbatim or through a citation, should be used in full here and made clear that these are definitions, not descriptions.

Note to JLCAR: these rules are currently in the rulemaking process under 2024-28.

Note to JLCAR: At this time, the department still has not filed these rules with OLS.

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 web site.

Edit: ", I(b)"

En 402.02 "Basic service" means basic service as defined in RSA 374:22-p, 1(b), namely:

- (a) Safe and reliable single-party, single-line voice service;
- (b) The ability to receive all non-collect calls, at telephone lines capable of receiving calls, without additional charge;
- (c) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;
- (d) The opportunity to presubscribe to interLATA toll carriers;
- (e) The opportunity to presubscribe to intraLATA toll carriers;

Legis. Intent: Although the language is verbatim, it is not formatted like the statute. Needs to be put in quotation marks and formatted just like the statute.

Continued from previous page. Needs to be formatted like the statute and quotation marks need to be put at the end.

(f) Dialing parity;

(g) Number portability;

(h) Enhanced 911, pursuant to the requirements of the department of safety bureau of emergency communications or its successor agency;

(i) Access to statewide directory assistance;

(j) Telecommunications relay service (TRS);

(k) A published directory listing, at the customer's election;

(l) A caller identification blocking option, on a per-call basis;

(m) A caller identification line blocking option that:

(1) Is available to all customers without a recurring charge;

(2) Is provided upon customer request without charge to customers who have elected non-published telephone numbers;

(3) Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and

(4) Is available without a non-recurring charge when requested with installation of basic service;

(n) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;

(o) The ability to report service problems to the customer's basic service provider on a 24-hour basis, 7 days a week; and

(p) "Automatic Number Identification (ANI)" to other carriers which accurately identifies the telephone number of the calling party.

Edit: lowercase

Edit: "indentification"

Edit: remove quotation marks, not in the statute.

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

Edit: first time acronym appears in the chapter, need to spell out the full title and establish the acronym

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 intraLATA toll service, except for an ILEC that provides toll service exclusively to its local service customers in New Hampshire.

Note to JLCAR: This requirement is in Puc 402.04, which is the rule currently in effect. As this requirement was being enforced on the same people prior to this date, and the language of this rule is identical to the currently effective rule, it can be argued that this is not a retroactive requirement.

En 402.06 "Contact information" means:

(a) Name;

(b) Title;

(c) Complete postal mailing address;

(d) Telephone number; and

(e) Email address.

Edit: comma

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:

Question for the agency: will the commission still be the one receiving these notices? Or should this be the department?

- (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.

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.

Note to JLCAR: This requirement is in Puc 402.10, which is the rule currently in effect. As this requirement was being enforced on the same people prior to this date, and the language of this rule is identical to the currently effective rule, it can be argued that this is not a retroactive requirement.

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 “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 web site address;
- (h) The utility’s federal employer identification number (FEIN);
- (i) The printed name and title of the authorized representative signing the form;
- (j) The current date; and
- (k) Certification by signature that the information on the form is true and correct to the best of the authorized representative’s knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.

En 402.24 “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. Edit: quotation marks

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 is registered as an ELEC authorized in that area.

(b) To apply for authorization to provide voice service a person or entity shall file a completed Form T-8 Application for Registration to Provide Voice Service as described in En 409.08.

(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. When determining whether to grant or deny an application for registration pursuant to En 404.02, the following provisions shall apply:

(a) 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:

- (1) Have committed an act that would constitute good cause to find a violation under these rules;
- (2) Have, 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; and

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

Unclear: in what time frame will this be done? If longer than 60 days, would violate RSA 541-A:29.

Unclear: what would constitute good cause? Subjective and vague term without further clarification.

Unclear: Does not follow the introductory language. The intro language is what provisions apply when determining to grant or deny an application. This paragraph is for when the decision is already made.

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 is 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.

Note to JLCAR: At this time, the department still has not filed these rules with OLS.

(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 file Form T-3 Utility Accident Report as described in En 409.03, 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 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 PUC 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

↑ Edit: quotation marks ↓

↑ Edit: "En 400" ↓

↑ Edit: "of the commission's Form T-4..." ↓

↑ Edit: quotation marks ↓

Edit: "of the commission's Form T-4..."

Edit: quotation marks

(2) A copy of PUC 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 provide, 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 it shall, from time to time, inspect the payphones it 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, see 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 by e-mail notification to svcTelcoOutage@energy.nh.gov within 120 minutes of occurrence.

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

Edit: quotation marks

(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 on Form T-5 Facility Disruption Report as described in En 409.05, 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 a 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.

Edit/Unclear: check the citation, should be citing to an En rule, and En 406.01 is for construction, installation, and maintenance of a physical plant.

PART En 408 ELEC REPORTS AND FILINGS

Edit: Here and subsequently, put form titles in quotation marks.

En 408.01 Due Annually.

(a) Form T-1 Contact and Trade Name Information described in En 409.01 shall be due on or before March 31 of each year, and shall cover the most recent calendar year.

(b) Form T-2 Assessment Report described in En 409.02 shall be due 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 file Form T-6 Payphone Location Report described in En 409.06, on or before March 31 of each year, covering the most recent calendar year.

En 408.02 Event-Driven. ELECs shall 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 described in En 409.01, 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 described in En 409.03, on the occurrence of a reportable accident pursuant to En 404.07(g);

(c) A copy of the PUC 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 as described in En 409.05, on the occurrence of a significant facility disruption, pursuant to En 406.03(d);

(e) A Form T-7 Exchange Eligibility Report as described in En 409.07, when becoming eligible to provide service in an exchange; and

(f) A Form T-8 Application for Registration to Provide Voice Service as described in En 409.08 prior to offering such service in an area in which the applicant is not yet authorized.

En 408.03 Submitting Reports and Forms. ELECs shall submit all reports and forms to the department by the following methods:

(a) Mail or other delivery to:

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

Unclear/Edit: This does not follow the introductory language. Consider making the introductory language (a) and paragraphs (a) & (b) subparagraphs (1) & (2). When that is done, the citation will need to be updated to (a)(2).

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

(c) ELECs making an electronic filing pursuant to (b) above shall comply with Puc 202.06 regarding filing requirements except that under this section, they 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 section shall comply with the applicable provisions of En 201.04, En 201.06, En 201.07 and En 203.08.

Note to JLCAR: At this time, the department still has not filed these rules with OLS.

Edit: "of the commission's Form T-4..."

Note to Agency: Here and subsequently, would be much easier to incorporate these forms by reference. Means you would not have to have the requirements in the rule text. See the *Manual* Chapter 4 Section 3.12 [How to Incorporate an Agency Form].

PART En 409 ELEC COMMON FORMS

En 409.01 Form T-1 Contact and Trade Name Information. The “Contact and Trade Name Information” form required by En 408.01(a), En 408.02(a), En 409.04(e), and En 409.08(h), shall include:

- (a) Utility filing information;
- (b) The toll-free number and email address for customer service;
- (c) The toll-free number and email address for repair service;
- (d) The hours of operation for customer service and repair service;
- (e) An indication of whether the ELEC wishes to receive reports and reminders via email;
- (f) The names and titles of the principal officers of the ELEC;
- (g) Contact information for the person responsible for regulatory matters;
- (h) Contact information for the person that the commission’s consumer affairs division shall call regarding consumer complaints from customers;
- (i) Contact information for the director of the customer service department;
- (j) Contact information for the officer responsible for customer service; and
- (k) Contact information for the person responsible for paying assessment bills.

Unclear: this section is reserved, there is no paragraph (e).

Unclear: also asks for the date. If not incorporating by reference need to have all the requirements in the rule text.

Unclear: also asks if the company wants to receive notifications by email instead of postal mail and for a certified signature of the authorized representative with the person's title and the date of signature.

En 409.02 Form T-2 Assessment Report. The “Assessment Report” required by En 408.01(b), shall include:

- (a) Utility filing information;
 - (b) Utility reporting year;
 - (c) The contact person and phone number for the assessment;
 - (d) The email address and web site of the contact person for the assessment;
 - (e) The gross utility revenue derived from New Hampshire operations for the calendar year reported;
- and
- (f) The number of New Hampshire telephone numbers in use by the utility’s customers.

Unclear: also asks for a certified signature of the authorized representative with the person's title and the date of signature.

En 409.03 Form T-3 Utility Accident Report. The “Utility Accident Report” required by En 408.02(b), shall include:

- (a) Utility filing information;
- (b) Date of the report;
- (c) Information regarding each reportable accident for the period, to include:
 - (1) The date of the accident;
 - (2) The location of the accident;
 - (3) A description of the extent of any property damage;

Unclear/Legis. Intent: because the form is not being incorporated by reference, need to list out every requirement on the form. This is too broad and subjective, especially because some of the requirements on the form do not seem to fall under "filing information" (ie asking for the utility's website). Should list out the requirements in this section.

Unclear/Legis. Intent: because the form is not being incorporated by reference, need to list out every requirement on the form. This is too broad and subjective, especially because some of the requirements on the form do not seem to fall under "filing information" (ie asking for the utility's website). Should list out the requirements in this section.

Unclear: also asks for a certified signature of the authorized representative with the person's title and the date of signature.

- (4) A description of the extent of any injuries;
- (5) The name of any injured person;
- (6) An indication of whether any injury was fatal and if so the date of death;
- (7) An indication of whether the accident involved electric contact;
- (8) An indication of whether the injured person had a relationship with the ELEC;
- (9) An indication of whether a previous report was filed; and
- (10) Location information for any poles involved in the accident including the location and licensing information for any poles and anchors involved in the accident.

En 409.04 RESERVED.

En 409.05 Form T-5 Facility Disruption Report. The "Facility Disruption Report" required by En 406.03(d), shall include:

Submit this form to OLS

- (a) Utility filing information;
- (b) The date of the report;
- (c) The date and time of the outage;
- (d) The location of the outage;
- (e) Whether an entire exchange was affected, to the best knowledge of the ELEC;
- (f) The number of affected access lines;
- (g) The cause of the outage;
- (h) The date and time service was restored;
- (i) The name of the person contacted at the department; and
- (j) The date and time the department was contacted.

Unclear: also asks for a certified signature of the authorized representative with the person's title and the date of signature.

En 409.06 Form T-6 Payphone Location Report. The "Payphone Location Report" required by En 408.01(c), shall include:

- (a) Utility filing information for the payphone owner;
- (b) For each payphone the ELEC has in service:
 - (1) Telephone number;
 - (2) Name of location;
 - (3) Street address;
 - (4) City or town and zip code;
 - (5) An indication of whether the payphone is located within 750 feet of another payphone; and

Unclear: also asks for the calendar year

Unclear/Legis. Intent: because the form is not being incorporated by reference, need to list out every requirement on the form. This is too broad and subjective, especially because some of the requirements on the form do not seem to fall under "filing information" (ie asking for the utility's website). Should list out the requirements in this section.

- (6) An indication of whether the phone accepts coins; and
- (c) For each payphone the ELEC has removed from service since filing the previous report:

- (1) Telephone number;
- (2) Name of location;
- (3) Street address;
- (4) City or town and zip code;
- (5) An indication of whether the payphone is located within 750 feet of another payphone; and
- (6) An indication of whether the phone accepts coins.

Unclear: also asks for a certified signature of the authorized representative with the person's title and the date of signature.

En 409.07 Form T-7 Exchange Eligibility Report. The "Exchange Eligibility Report" required by En 408.02(e), shall include:

- (a) Utility filing information;
- (b) A table listing each exchange for which the ELEC has become eligible to provide service which shall include:

Edit: "; and"

- (1) The exchange name, as used by the ILEC-ELEC serving that exchange;
- (2) Whether the ELEC has a collocation arrangement with the ILEC-ELEC serving that exchange; and
- (3) If the answer to (2) is 'No':
 - a. The number of ELEC customers in the exchange served by an ELEC-owned copper or coaxial loop;
 - b. The number of ELEC customers in the exchange served by an ELEC-owned fiber loop;
 - c. The number of ELEC customers in the exchange served by an enhanced extended loop (EEL); and
 - d. Information including name, address, and telephone number for at least one customer.

Edit: quotation marks

Unclear/Legis. Intent: because the form is not being incorporated by reference, need to list out every requirement on the form. This is too broad and subjective, especially because some of the requirements on the form do not seem to fall under "filing information" (ie asking for the utility's website). Should list out the requirements in this section.

En 409.08 Form T-8 Application for Registration to Provide Voice Service. The "Application for Registration to Provide Voice Service" required by En 408.02(f), shall include:

- (a) Utility filing information;
- (b) Responses to:
 - (1) Whether the applicant, or any of the general partners, corporate officers, directors of the company, limited liability company managers or officers has ever been convicted of any felony that has not been annulled by a court;
 - (2) Whether the applicant, or any of the general partners, corporate officers, directors of the company, limited liability company managers or officers have had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation within the past 10 years;

Edit: comma

Unclear: form specifies only complaints "pursuant to any state or federal consumer protection law or regulation". Need to either delete this specification from the form or need to add this specification into the rule text.

Edit: comma

Unclear: on the form, the question about which state is directly under (e), while the explanation is listed as a separate subparagraph "f." which specifically says applies to a. through e. above. Should include "relevant states or jurisdictions in "f." to make it clear that is required in the explanations for yes answers to a. through e.

(3) Whether the applicant, or any of the general partners, corporate officers, directors of the company, limited liability company managers or officers have settled any civil, criminal or regulatory investigations or complaints within the past 10 years;

(4) Whether the applicant, or any of the general partners, corporate officers, directors of the company, limited liability company managers or officers is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation; and

(5) Whether the applicant, or any of the general partners, corporate officers, directors of the company, limited liability company managers or officers has been denied registration or authorization, or had registration or authorization revoked, in any other state or jurisdiction;

(c) If an affirmative answer is given to any item in (b) above, the applicant shall provide an explanation of the event and the relevant states or jurisdictions;

Edit: "3"

(d) The applicant shall list one to three services the applicant will offer in New Hampshire, at least one of which shall be a voice service;

Unclear: form says "Department policies". Need to change form to say "statutes".

(e) The applicant shall identify its proposed service area;

Unclear: this requirement is not on the form. Needs to be included on the form.

(f) The applicant shall attest to the following statements:

Edit: comma

Unclear: also asks for a certified signature of the authorized representative with the person's title and the date of signature.

(1) The applicant agrees to comply with, and shall operate in accordance with, all provisions and requirements of all applicable statutes, rules and orders; and

(2) The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying;

Edit: quotation marks

(g) The applicant shall attach a copy of the company's secretary of state certificate of authority; and

(h) The applicant shall attach a completed Form T-1 Contact and Trade Name Information.

En 409.09 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 using the Form T-9 and shall include the utility filing information as set forth in En 404.23.

Unclear: there is no En 404.23, fix citation

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 incumbent local exchange carriers operating as an excepted local exchange carrier (ILEC-ELEC).

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

Edit: can just use the acronym as, this term is spelled out in En 402.12

En 410.03 Basic Service.

Edit: comma

(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.

Unclear/Legis. Intent: It is not clear if this form is being incorporated by reference. If yes, then need to comply with the *Manual*, Chapter 4, Section 3.12. If this form is not being incorporated by reference, then need to have the requirements in the rule text.

Edit: comma

(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 (g)(1) above shall be provided to the department on request; and

(3) The record shall include:

Edit: "(d)"

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 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.

En 411.01 Due Annually.

See unclear/legis. intent comment on page 1 about this citation and word usage.

Edit: Here and subsequently, put the form's title in quotation marks

(a) Form T-1 **Contact and Trade Name Information** described in En 409.01 shall be due on or before March 31 of each year, and shall cover the most recent calendar year.

(b) Form T-2A **Assessment Report** described in this section shall be due on or before March 31 of each year, and shall cover the most recent calendar year.

(c) Form T-2A Assessment Report. The **"Form T-2A Assessment Report"** required by this section shall include:

Submit this form to OLS

Unclear/Legis. Intent: because the form is not being incorporated by reference, need to list out every requirement on the form. This is too broad and subjective, especially because some of the requirements on the form do not seem to fall under "filing information" (ie asking for the utility's website). Should list out the requirements in this section.

- (1) **Utility filing information;**
- (2) **Utility reporting year;**
- (3) The contact person and phone number for the assessment;
- (4) The email address and web site of the contact person for the assessment;
- (5) An indication of the type of utility filing the report;
- (6) The gross utility revenue derived from New Hampshire operations for VoIP **ns** IP-enabled services for the calendar year reported; and
- (7) The number of New Hampshire telephone numbers in use by the utility's customers.

Edit: "and"

PART En 412 RESERVED

Unclear: also asks for a certified signature of the authorized representative with the person's title and the date of signature.

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 such term does not include aggregators of telecommunications services.

En 413.02 Registration.

(a) A telecommunications carrier may register with the commission by filing form TC-1 dated 3/24, available at the department web site 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 commission 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 commission in writing or by use of the form TC-2 dated 3/24, of such cessation. If

Unclear: These say these are department forms, so why are they being filed with the commission? How is the department determining the form is complete when it is being filed with the commission?

Unclear: Need to either incorporate these forms by reference here or need to have the requirements in the rule text, as they say they are Department of Energy forms. Or, if they are incorporated or the requirements are listed out in another rule cite to that rule here.

Unclear: How is the department making this decision and terminating the registration when the filing goes to and the registration number come from the commission?

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 commission the following information:

(a) For initial requests for numbering resources in an exchange, evidence that it 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 it has previously obtained numbering resources, evidence that:

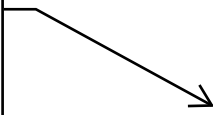
- (1) It has utilized at least 75% of the numbering resources in its possession in the exchange; and
- (2) Its existing supply of numbering resources will be exhausted within 6 months by customers located in the exchange.

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	RESERVED
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 374:3
En 402.24	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 363-A:2 & :4; RSA 374:1; RSA 374:3; RSA 374:4; RSA 641.3
En 409.02	RSA 12-P:5, IV; RSA 362:2; RSA 363-A:2 & :4; RSA 641.3
En 409.03	RSA 12-P:5, IV RSA 374:1; RSA 374:3; RSA 374:4; RSA 374:34-a, VIII; RSA 374:37-39; RSA 641.3
En 409.04	RESERVED
En 409.05	RSA 12-P:5, IV; RSA 374:1; RSA 374:3; RSA 374:4; RSA 641.3
En 409.06	RSA 12-P:5, IV; RSA 641.3; 47 CFR 64.1330
En 409.07	RSA 12-P:5, IV; RSA 374:59; RSA 641.3
En 409.08	RSA 12-P:5, IV; RSA 362:2; RSA 374:1; RSA 374:3; RSA 374:4; RSA 374:22; RSA 641.3; 47 USC 253(b)
En 409.09	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

Legis. Intent: This format does not comply with the *Manual* and needs to be reformatted. See the *Manual*, Chapter 4, Section 3.12, pages 113-114.



APPENDIX B

DOCUMENT INCORPORATED BY REFERENCE

National Electrical Safety Code, 2023 Edition (En 406.01(a))

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.