

HB 541-FN - AS INTRODUCED

2015 SESSION

15-0228
06/03

HOUSE BILL ***541-FN***

AN ACT relative to cellular mobile radio communications as public utilities.

SPONSORS: Rep. Hansen, Hills 22; Rep. LeBrun, Hills 32

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill provides that cellular mobile radio communications are public utilities.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to cellular mobile radio communications as public utilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Definition of Terms; Public Utility. Amend RSA 362:2, I to read as follows:

2 I. The term “public utility” shall include every corporation, company, association, joint stock
3 association, partnership and person, their lessees, trustees or receivers appointed by any court,
4 except municipal corporations and county corporations operating within their corporate limits,
5 owning, operating or managing any plant or equipment or any part of the same for the conveyance of
6 telephone or telegraph messages or for the manufacture or furnishing of light, heat, sewage disposal,
7 power or water for the public, or in the generation, transmission or sale of electricity ultimately sold
8 to the public, or ***providing, purchasing, or selling cellular mobile radio communication***
9 ***services, or*** owning or operating any pipeline, including pumping stations, storage depots and other
10 facilities, for the transportation, distribution or sale of gas, crude petroleum, refined petroleum
11 products, or combinations of petroleum products, rural electric cooperatives organized pursuant to
12 RSA 301 or RSA 301-A, and any other business, except as hereinafter exempted, over which on
13 September 1, 1951, the public utilities commission exercised jurisdiction.

14 2 Expenses of Public Utilities Commission Against Certain Utilities; Assessment. Amend RSA
15 363-A:2, I(c) and (d), to read as follows:

16 (c) 33 percent of the gross utility revenue of all excepted local exchange carriers as
17 defined in RSA 362:7, I(c), and 33 percent of the gross revenue of any affiliate of such a carrier
18 received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7, I(d) or an
19 IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA
20 362:7, I(d)(1) and (3) ~~[-other than a cellular mobile radio communications service provider];~~

21 (d) 33 percent of all providers’ gross revenue received from New Hampshire retail
22 customers for a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA
23 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than ~~[a~~
24 ~~cellular mobile radio communications service provider or]~~ any entity to which subparagraph (c)
25 applies; and

26 3 Expenses of Public Utilities Commission Against Certain Utilities; Assessment. Amend RSA
27 363-A:2, VII to read as follows:

28 VII. Nothing in this chapter shall be construed to apply to any ~~[cellular mobile radio~~
29 ~~communications service or to any]~~ “information service” as defined in 47 U.S.C. section 153.

30 4 Affordable Telephone Service; Rulemaking Standards. Amend RSA 374:22-p, II to read as
31 follows:

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1 II. ~~[Subject to RSA 362:6,]~~ The commission shall require every provider of intrastate
2 telephone service to participate in outreach programs designed to increase the number of low-income
3 telephone customers on the network through increased participation in any universal service
4 program approved by the commission and statutorily established by the legislature. Statewide
5 outreach programs shall continue until further order of the commission.

6 5 Repeal. RSA 362:6, relative to cellular mobile radio communications exempt, is repealed.

7 6 Effective Date. This act shall take effect 60 days after its passage.

LBAO
15-0228
01/13/15

HB 541-FN - FISCAL NOTE

AN ACT relative to cellular mobile radio communications as public utilities.

FISCAL IMPACT:

The Public Utilities Commission states this bill, **as introduced**, will increase state revenue by an indeterminable amount in FY 2015 and each year thereafter. This bill will have no fiscal impact on state, county and local expenditures or county and local revenue.

METHODOLOGY:

The Public Utilities Commission states this bill provides that wireless carriers be regulated like excepted local exchange carriers (ELECs). The Commission states ELECs are assessed a minimum of \$1,000 annually or based on 33 percent of gross utility revenue. The Commission has no data on gross revenue from wireless carriers to determine any increase in revenue from the assessment of wireless carriers. The Commission does not anticipate this bill resulting in the need for additional personnel; therefore it does not anticipate an increase in state expenditures. The Commission does not anticipate any increase in county and local revenue or expenditures.