

HB 257 - AS AMENDED BY THE HOUSE

22Mar2023... 0924h

2023 SESSION

23-0386

10/05

HOUSE BILL

257

AN ACT relative to telephone carrier of last resort obligations.

SPONSORS: Rep. Vose, Rock. 5; Rep. D. Thomas, Rock. 16; Sen. Gannon, Dist 23; Sen. Lang,
Dist 2; Sen. Pearl, Dist 17

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill allows for an incumbent telephone utility to be relieved of its carrier of last resort obligations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to telephone carrier of last resort obligations.

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

1 1 New Paragraphs; Telephone Utilities; Carrier of Last Resort Service Obligations. Amend RSA
2 374:22-g by inserting after paragraph II the following new paragraphs:

3 II-a. An incumbent telephone utility may petition the department of energy to be relieved of
4 its carrier of last resort obligation in one or more municipalities. The commissioner of the
5 department of energy shall approve the petition if the department of energy finds that:

6 (a) There is at least one wireline-facilities-based voice network service provider other
7 than the incumbent that offers service to at least 95 percent of the households in the municipality,
8 and one or more mobile telecommunications service providers that offers, in the aggregate, mobile
9 telecommunications services to at least 97 percent of the households in the municipality; or

10 (b) A provider or multiple providers, other than the incumbent utility, have received
11 state, federal, or municipal funding to serve the entire municipality.

12 II-b. Beginning 30 days after the effective date of this paragraph and after the department
13 of business and economic affairs has accepted a comprehensive New Hampshire broadband map, any
14 incumbent telephone utility may petition the department of energy to be relieved of its carrier of last
15 resort obligations in one or more town or municipality where:

16 (a) The most recent New Hampshire broadband map accepted by the department of
17 business and economic affairs demonstrates that there is at least one wireline-facilities based voice
18 network service provider other than the incumbent telephone utility that offers service to at least 95
19 percent of the households and mobile telecommunications service providers that offers, in the
20 aggregate, mobile telecommunications services to at least 97 percent of the households in the town or
21 municipality the incumbent telephone utility is asking to be relieved of its carrier of last resort
22 obligations; or

23 (b) The incumbent telephone utility is able to demonstrate that when the New
24 Hampshire broadband map is next updated and accepted by the department of business and
25 economic affairs at least one wireline-facilities based voice service provider other than the incumbent
26 telephone utility that offers service to at least 95 percent of the households and one or more mobile
27 telecommunications service providers that offers, in the aggregate, mobile telecommunications
28 services to at least 97 percent of the households in the town or municipality the incumbent telephone
29 utility is asking to be relieved of its carrier or last resort obligations; or

30 (c) A provider or multiple providers, other than the incumbent telephone utility, have
31 received municipal, state, or federal funding to serve the entire town or municipality where the

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1 incumbent telephone utility is asking to be relieved of its carrier of last resort obligations and a date
2 to complete the installation of that service has been established.

3 II-c. The department of energy shall review petitions from incumbent telephone utilities
4 seeking to be relieved of its carrier of last resort obligations in one or more town or municipality
5 against the criteria laid out in paragraph II-b within 30 days of receipt of said petition. If the
6 petition satisfies the criteria laid out in paragraph II-b, then department shall provide preliminary
7 approval of incumbent telephone utility's petition.

8 II-d. Within 60 days of receiving preliminary approval from the department of energy, the
9 incumbent telephone utility asking to be relieved of its carrier of last resort obligations shall hold a
10 public meeting in each town or municipality affected by its petition to provide information to
11 customers in each town or municipality about upcoming changes to service and alternative service
12 options that will be available to customers. The incumbent telephone utility shall give advance
13 notice of the hearing in a formal letter to the governing body of each affected town or municipality so
14 that information can be posted on each town and municipality website, and notice to each customer
15 in the town or municipality affected by its petition in its monthly billing statement, and publish the
16 notice in a newspaper of general circulation in that town or municipality. Feedback obtained from
17 each meeting shall be provided by the incumbent telephone utility to the department within 14 days
18 of each meeting. The department shall consider all such feedback in its deliberations on whether to
19 grant or deny the incumbent telephone utility's petition.

20 II-e. The department of energy shall issue a final order granting or denying a petition by an
21 incumbent telephone utility to be relieved of its carrier of last resort obligations within 180 days of
22 receiving such petition except that the department may extend this period for up to an additional 30
23 days. The effective date of the order shall be the date on which it is issued, except that in a town or
24 municipality where the conditions of subparagraph II-b(c) apply, the effective date of the order shall
25 be the date on which installation of the alternative service has been completed.

26 II-f. Upon receipt of a final order granting or denying a petition from the department of
27 energy, the incumbent telephone utility shall within 60 days of the effective date of the final order
28 give notice of the order in a formal letter to the appropriate governing body in each affected town
29 and municipality so that information can be posted on each town and municipality website, and to
30 all affected customers in their monthly billing statement, and published in a newspaper of general
31 circulation in that town or municipality.

32 II-g. For a period of 6 months from the effective date of the order granting an incumbent
33 telephone utility relief from its obligation to provide carrier of last resort service in a town or
34 municipality, the incumbent telephone utility shall continue to provide each customer in that town
35 or municipality to whom it was providing such service on the effective date of that order a telephone
36 service with the same rates, terms, and conditions as it provides to other carrier of last resort service
37 customers to whom it is obligated to provide carrier of last resort service.

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1 II-h. During any 6-month transition period under paragraph II-g, the incumbent telephone
2 utility whose petition for relief of last resort service has been granted shall make all best efforts to
3 assist affected customers find alternative service to those they were receiving from said incumbent
4 telephone utility. The department shall also post on its website a list of all known wireline, wireless,
5 broadband, or other telecommunication service providers.

6 II-i. If, at the end of the 6-month transition period, there remain customers of the incumbent
7 utility who do not have alternative service, to the extent technically and economically feasible, the
8 incumbent utility shall make best efforts to continue providing service to such customers. If and
9 when it no longer is technically or economically feasible and the incumbent utility must discontinue
10 service to any such customer, the incumbent utility may do so after providing any remaining
11 customer with a final advance warning of 30 days.

12 2 Effective Date. This act shall take effect 60 days after its passage.

HB 257- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0924h)

AN ACT relative to telephone carrier of last resort obligations.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Utility Assessment Revenue			

METHODOLOGY:

This bill allows for an incumbent telephone utility to be relieved of its carrier of last resort obligations. The Department of Energy indicates the bill would require the Department to evaluate a petition submitted by an incumbent telephone utility to be relieved of their carrier of resort obligations in one or more municipalities provided that certain conditions are met. The Department would be required to review the petitions to see if they meet the criteria laid out in the bill and grant preliminary approval. Final approval may be granted after public input gathered by the petitioning incumbent telephone utility. The Department would be required to consider public input before making a final decision to grant or deny the petition. In addition, the Department would be required to post a list of all known wire line, wireless, broadband, or other telecommunication service providers on their website.

The Department cannot estimate the number of petitions that will be filed by incumbent telephone utilities. The Department does not regulate broadband or wireless carriers, so the Department does not have information on coverage provided by these other services or the extent of their coverage. This makes it difficult to determine current coverage for submitted petitions or estimating the required posting on the Department's website. The Department doesn't have existing staff to undertake these new duties and would contract with a consultant to accomplish the bill's requirements. The Department is not able to provide a cost estimate as it will depend on the number of petitions filed for review. Regarding the impact on State revenue, all costs incurred would be recovered by a special assessment on the incumbent telephone utility seeking to be relieved of their carrier of last resort obligations.

AGENCIES CONTACTED:

Department of Energy