

Amendment to HB 257

1 Amend the bill by replacing section 1 with the following:

2
3 1 New Paragraphs; Telephone Utilities; Carrier of Last Resort Service Obligations. Amend RSA
4 374:22-g by inserting after paragraph II the following new paragraphs:

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

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

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

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

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

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

1 (c) A provider or multiple providers, other than the incumbent telephone utility, have
2 received municipal, state, or federal funding to serve the entire town or municipality where the
3 incumbent telephone utility is asking to be relieved of its carrier of last resort obligations and a date
4 to complete the installation of that service has been established.

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

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

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

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

34 II-g. For a period of 6 months from the effective date of the order granting an incumbent
35 telephone utility relief from its obligation to provide carrier of last resort service in a town or
36 municipality, the incumbent telephone utility shall continue to provide each customer in that town
37 or municipality to whom it was providing such service on the effective date of that order a telephone

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1 service with the same rates, terms, and conditions as it provides to other carrier of last resort service
2 customers to whom it is obligated to provide carrier of last resort service.

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

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