CONSENT CALENDAR

March 13, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred HB 257,

AN ACT relative to telephone carrier of last resort obligations. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Troy Merner

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Science, Technology and Energy**
Bill Number:	**HB 257**
Title:	**relative to telephone carrier of last resort obligations.**
Date:	**March 13, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0924h**

STATEMENT OF INTENT

This bill allows legacy telephone companies in our state to apply for and receive permission to be relieved of their obligation to provide certain telephone services to customers. The Carrier of Last Resort or "COLR" obligation dates to the 1934 Communications Act when there were only regulated land line companies who had designated monopoly territories. Along with the obligation to serve, the telephone companies received federal universal service funds to support the obligation to provide voice service to everyone, even in rural areas where the cost to do so was very high. A lot has changed since then. The 1996 Telecommunications Act opened the telecommunications market to competition. Telecommunications services are now provided by municipalities, electric cooperatives, cable companies, wireless providers, and providers of Voice over Internet Protocol (VoIP) and satellite. Today there is significant and robust competition in many areas of the state. Furthermore, the federal government has converted previous universal voice support programs to programs that expand broadband. As amended, this bill only allows the obligation to be removed in instances where there are at least two competitors in a market, a wireline provider serving 95% of a municipality and a wireless competitor serving at least 97% of the municipality, or in an area where another company is subsidized by the state to build broadband to an entire municipality. This strikes the appropriate balance of removing an inequitable mandate..

Vote 20-0.

Rep. Troy Merner
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Science, Technology and Energy

HB 257, relative to telephone carrier of last resort obligations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Troy Merner for Science, Technology and Energy. This bill allows legacy telephone companies in our state to apply for and receive permission to be relieved of their obligation to provide certain telephone services to customers. The Carrier of Last Resort or "COLR" obligation dates to the 1934 Communications Act when there were only regulated land line companies who had designated monopoly territories. Along with the obligation to serve, the telephone companies received federal universal service funds to support the obligation to provide voice service to everyone, even in rural areas where the cost to do so was very high. A lot has changed since then. The 1996 Telecommunications Act opened the telecommunications market to competition. Telecommunications services are now provided by municipalities, electric cooperatives, cable companies, wireless providers, and providers of Voice over Internet Protocol (VoIP) and satellite. Today there is significant and robust competition in many areas of the state. Furthermore, the federal government has converted previous universal voice support programs to programs that expand broadband. As amended, this bill only allows the obligation to be removed in instances where there are at least two competitors in a market, a wireline provider serving 95% of a municipality and a wireless competitor serving at least 97% of the municipality, or in an area where another company is subsidized by the state to build broadband to an entire municipality. This strikes the appropriate balance of removing an inequitable mandate. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Rep. Muns, C, Rock. 29
March 10, 2023
2023-0924h
10/05

Amendment to HB 257

Amend the bill by replacing section 1 with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 257

BILL TITLE: relative to telephone carrier of last resort obligations.

DATE: March 13, 2023

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Merner Seconded by Rep. Summers AM Vote: 20-0

Amendment # 2023-0924h

Moved by Rep. Merner Seconded by Rep. Summers Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: 257 Motion: OTP AM #: ~~02946~~ 0924 Exec Session Date: 13 March 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	1		
Thomas, Douglas W. Vice Chairman	1		
Notter, Jeanine M.	1		
Harrington, Michael D.	1		
Merner, Troy E.	1		
~~Lewicke, John~~ Brown, Carrell	1		
~~Berezhny, Lex~~ Love, David	1		
Bernardy, JD Clerk	1		
Ploszaj, Tom	1		
Summers, James	1		
~~McGhee, Kat~~ Kelley, Eamon	1		
McWilliams, Rebecca J.	1		
Chretien, Jacqueline H.	1		
Parshall, Lucius	1		
~~Caplan, Tony~~ Duffy, Sherry	1		
~~Muns, Chris~~ Horrigan, Jim	1		
Noël, Henry W.	1		
Thomas, Wendy E.N.	1		
Cormen, Thomas H	1		
Raynolds, Ned	1		
TOTAL VOTE:	20	0	

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: 257 Motion: OTPA AM #: 0924 Exec Session Date: 03 March 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	1		
Thomas, Douglas W. Vice Chairman	1		
Notter, Jeanine M.	1		
Harrington, Michael D.	1		
Merner, Troy E.	1		
~~Lewicke, John~~ Brown, Carroll	1		
~~Berezhny, Lex~~ Love, David	1		
Bernardy, JD Clerk	1		
Ploszaj, Tom	1		
Summers, James	1		
~~McGhee, Kat~~ Kelley, Eamon	1		
McWilliams, Rebecca J.	1		
Chretien, Jacqueline H.	1		
Parshall, Lucius	1		
~~Caplan, Tony~~ Dutzy, Sherry	1		
~~Muns, Chris~~ Horrigan, Jim	1		
Noël, Henry W.	1		
Thomas, Wendy E.N.	1		
Cormen, Thomas H	1		
Raynolds, Ned	1		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 257

BILL TITLE: **relative to telephone carrier of last resort obligations.**

DATE: **February 6, 2023**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **2:30 p.m.**

Time Adjourned: **3:25 p.m.**

Committee Members: Reps. Vose, D. Thomas, Bernardy, Notter, Harrington, Berezhny, Ploszaj, Summers, McGhee, McWilliams, Parshall, Caplan, Muns, C, Noel, W. Thomas, Cormen and Raynolds

Bill Sponsors:

Rep. Vose	**Rep. D. Thomas**	**Sen. Gannon**
Sen. Lang	**Sen. Pearl**	

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Rep. Vose - carrier of Last Resort obligation - land line. Same bill that past last year. Recommend eliminate.
- DOE - Amanda Noonan - neutral. Review of petition would require causal testing. Where there are minimal land line customers, are likely to be minimal wireless service.
- Teresa Rosenberger, NH Tel Association -'96 telecom assistant. Competitive driving rates down. Copper and layout fiber. POC would need to clarify 95-97% average
- Katherine Heck, NHMA - slightly premature. Broadband mapping to see who undeserved by founder up north. 30,000 people under and undeserved. Need compensation map.
- Sarah Davis - consolidated census. Lost ~90% of its base load, need to maintain a legacy of old pole wire.
- David Marston - citizen - oppose. Speaking for the 3% who will be lost. Need better fidelity. Not lost with power. Disregarding leased lives. Disregarding alarm companies. No chance to challenge. Where is the PUC?

Respectfully Submitted,
Representative Bernardy, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB257 Date: 2/6/23

Committee: SCIENCE

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Katherine Heck	Concord	224-7447	NHMA		X

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB257 on 2023-02-06

Support: 2 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No	2/1/2023 11:50 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:43 AM
Brackett, Glenn	Northwood, NH President@nhaflcio.org	A Lobbyist	New Hampshire AFL-CIO	Oppose	No	No	2/6/2023 11:51 AM

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION on HB 257

BILL TITLE: relative to telephone carrier of last resort obligations.

DATE: March 2, 2023

Subcommittee Members:

Comments and Recommendations:

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Rep. Summers Seconded by Rep. Rep. W. Thomas Vote: 6-0

Respectfully submitted,

Rep. Troy Merner
Subcommittee Chairman

NHMA
NEW HAMPSHIRE MUNICIPAL ASSOCIATION
EST. 1941

February 6, 2023

Honorable Michael Vose, Chairman
Science, Technology and Energy
Legislative Office Building, Room 304
Concord, NH 03301

Via Electronic Delivery Only

Re: *HB 247, relative to telephone carrier of last resort obligations.*

Dear Chairman Vose and Committee Members:

Thank you for allowing me the opportunity to speak to you today regarding HB 257 - which would authorize a utility to be relieved of their carrier of last resort obligations.

NHMA has expressed opposition to this bill in the past because eliminating "carrier of last resort" (COLR) obligations of incumbent telephone companies would not only risk leaving citizens in rural areas without access to 911, but it would also risk leaving them without any telephone or broadband service at all. In some areas, competitive phone services, cell phone or alternative services (such as voice over internet protocol) are not available to all residences. As you are aware, some sparsely populated areas don't always have cell service or a competitive telephone company, broadband, cable, wireless, or affordable satellite options. Without sufficient density of population, companies are not easily enticed to expand their service areas, until recently because of the influx of Federal Funds now being available to private corporations.

The telephone company, as carrier of last resort has to provide phone service in those hard to serve areas. If NH lifts that obligation, residents in some rural areas may be further cut off: no telephone service, no internet, nothing. Leaving our residents with potential emergency situations and first responders unable to serve theses residents who pay for emergency services through local taxation.

The state is actively working to address middle and last mile broadband service and digital equity using federal funds to incentivize the build out. The plan includes comprehensive mapping of NH which will shed light on the unserved and underserved areas of state. The mapping process is an extensive undertaking, and we are expected to have this information before the legislative session has concluded in 2023. This leaves the state and municipalities without the information needed to know if a gap in telephone and 911 service will exist if this legislation passes, and how many residents will be impacted.

We heard in testimony last session that other states are eliminating this obligation through legislation. That is correct. However, I would like to share that Maine, for example, has gone through a comprehensive study period and has stringent requirements within state law as to how a carrier can cease to serve residents. Maine state law and rulemaking is overseen by a Commission. Their law contains a list of communities where either the Legislature- by statute- or the Commission- based on statutory criteria- has removed the carrier's service obligation. The law also requires the Commission to hold a public

meeting convened by the Commission in a given municipality to provide information to residents about the removal of the service obligation, the date upon which the Legislature or the Commission removed the service obligation, and the authority for removal of the obligation.

You can reference Maine's Public Utilities Commission Report regarding commission review of the effect of relief of the provider of last resort service obligation pursuant to the provisions of the law here. This report, complete with maps, data and statistics was collected prior to and since the time the law was enacted. The Maine Public Utilities website also tracks line access by carrier and reports to the commission annually, with data going back to 2008.

Another comprehensive report done in Oregon on similar legislation can be found here: https://www.oregon.gov/puc/forms/Forms%20and%20Reports/COLR-Final-Report-PUC.pdf

This type of data and study for NH would be ideal for enacting this legislation. As a state we have put a great deal of resources and effort into ensuring state-wide access to 911.

To address another concern we have with this legislation is how will the criteria for evaluating and approving or denying petitions filed by telephone utilities under the bill, be handled? Our understanding is that this bill would depend entirely upon the utility to certify compliance with the statutory criteria. To provide a level of state-wide consistent and independent verification of this information provided by the utility is accurate the use of a tool such as the NH Office of Broadband Initiatives 2023 comprehensive map that state is currently developing may alleviate some of these concerns.

We acknowledge that many telephone companies across the US are pushing to have these obligations lifted. If done without proper planning to ensure all residents are served by some form of telephony or broadband the "digital divide" could become a digital and telephone gulf, and residents in some rural areas could be entirely cut off.

Thank you for your time and consideration.

Respectfully,

Katherine Heck

Katherine Heck
Government Finance Advisor

cc: Committee member

Title 35-A: PUBLIC UTILITIES
Part 7: TELECOMMUNICATIONS
Chapter 72: TELECOMMUNICATIONS REGULATORY REFORM
Subchapter 2: PROVIDER OF LAST RESORT SERVICE

§7221. Designation of service providers

1. Initial designation of service providers. An entity that was an incumbent local exchange carrier as of January 1, 2012 shall provide provider of last resort service within its service area.

[PL 2011, c. 623, Pt. A, §18 (NEW).]

2. Reassignment of service provider obligation. A service provider may petition the commission for authorization to assign its provider of last resort service obligation for a given geographic area to another voice service provider. The commission shall by rule develop a process for identifying and approving replacement service providers, but in no event may a voice service provider be designated as a replacement service provider without the express consent of the voice service provider. Before authorizing the reassignment of the provider of last resort service obligation to another voice service provider, the commission shall ensure that the voice service provider possesses the financial and technical capability to meet all provider of last resort service standards set by the commission by rule. The commission may not reassign the provider of last resort service obligation to any entity that would provide the service only as a reseller, as determined by the commission by rule.

[PL 2011, c. 623, Pt. A, §18 (NEW).]

3. Modification of service obligations. Notwithstanding section 7201, subsection 7 (../35-A/title35-Asec7201.html), the commission, in an adjudicatory proceeding, may relieve a service provider of the requirement that it have the capacity to maintain uninterrupted voice service during a power failure, either through the incorporation into the network or network interface devices of suitable battery backup or through electric current. The commission may grant the relief only if it finds that doing so is in the public interest. In determining that granting relief under this section is in the public interest, the commission must find that the benefits that would accrue to customers of the provider of last resort service from providing the relief would exceed the benefits to those customers of preserving the requirement.

[PL 2011, c. 623, Pt. A, §18 (NEW).]

4. Removal of the provider of last resort service obligation in select municipalities. This subsection governs the removal of the obligation of a price cap ILEC to provide provider of last resort service in certain municipalities.

A. Thirty days after the effective date of this subsection a price cap ILEC is not obligated to provide provider of last resort service in the following municipalities:

(1) Portland;

(2) Lewiston;

(3) Bangor;

(4) South Portland;

(5) Auburn;

(6) Biddeford; and

(7) Sanford. [PL 2015, c. 462, §3 (NEW).]

B. Every 6 months after the effective date of this subsection, the commission shall examine the service quality reports of a price cap ILEC under section 7225-A (../35-A/title35-Asec7225-A.html) for the immediately preceding 2 consecutive quarters and, if the service quality requirements of section 7225-A (../35-A/title35-Asec7225-A.html) have been met, the commission shall issue a certificate relieving the price cap ILEC of the obligation to provide provider of last resort service in 5 of the municipalities listed in this paragraph. The order in which a price cap ILEC may be relieved of the obligation to provide provider of last resort service in a municipality under this paragraph is as follows:

(1) Scarborough;

(2) Gorham;

(3) Waterville;

(4) Kennebunk;

(5) Cape Elizabeth;

(6) Old Orchard Beach;

(7) Yarmouth;

(8) Bath;

(9) Westbrook;

(10) Freeport;

(11) Brewer;

(12) Kittery;

(13) Windham;

(14) Brunswick; and

(15) Augusta. [PL 2015, c. 462, §3 (NEW).]

C. For one year from the date a price cap ILEC is relieved of the obligation to provide provider of last resort service in a municipality in accordance with this subsection, the price cap ILEC shall continue to offer to each provider of last resort service customer in that municipality to whom it was providing the service on the date the obligation ceased a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service. [PL 2015, c. 462, §3 (NEW).]

D. Prior to the removal of the obligation to provide provider of last resort service in any municipality pursuant to this subsection, the commission shall hold a public meeting in the municipality to allow customers of the

price cap ILEC to obtain information about the upcoming changes to service. [PL 2015, c. 462, §3 (NEW).]

E. The price cap ILEC shall give advance notice in its monthly billing statement to each customer in a municipality listed in this subsection in which the obligation to provide provider of last resort service will be removed. That notice must include the following information:

(1) An existing customer will still be provided service for one year from the date on which the obligation to provide provider of last resort service is removed at the same rates, terms and conditions as the price cap ILEC provides to provider of last resort service customers to whom the price cap ILEC is obligated to provide provider of last resort service; and

(2) The date, time and location of the public meeting required under paragraph D (../35-A/title35-Asec7221.html), which will be hosted by the commission in the municipality. [PL 2015, c. 462, §3 (NEW).]

[PL 2015, c. 462, §3 (NEW).]

5. Relief of provider of last resort service obligation. After a price cap ILEC has been relieved of the obligation to provide provider of last resort service in all the municipalities listed in subsection 4 (../35-A/title35-Asec7221.html), the price cap ILEC may petition the commission under this subsection to be relieved of its provider of last resort service obligation in one or more additional municipalities.

A. The commission shall approve the petition if the commission finds:

(1) With respect to a municipality, that, pursuant to the following standards, there is sufficient competition in that municipality to ensure access to affordable telephone service by households in the municipality:

(a) In addition to the price cap ILEC, there is at least one wireline-facilities-based voice network service provider that offers service to at least 95% of the households in the municipality; and

(b) One or more mobile telecommunications services providers offer, on a combined basis, mobile telecommunications services to at least 97% of the households in the municipality; and

(2) The price cap ILEC prior to filing the petition has met service quality requirements under section 7225-A (../35-A/title35-Asec7225-A.html) in the immediately preceding 2 consecutive quarters. [PL 2015, c. 462, §3 (NEW).]

B. The commission shall establish by rule the sources of information and a methodology it will use to reasonably calculate the percentage of households served by wireline-facilities-based voice network service providers and mobile telecommunications services providers for purposes of making a determination under paragraph A (../35-A/title35-Asec7221.html). The commission may not require wireline-facilities-based voice network service providers and mobile telecommunications services providers to provide competitive information to the commission but may rely on other available sources for this information, including information available from the Federal Communications Commission. Competitive information about the extent of service provided by wireline-facilities-based voice network service providers and mobile telecommunications services providers used to make this determination is confidential and is not a public record under Title 1, section 402, subsection 3 (../1/title1sec402.html) and may not be disclosed to any person outside the commission. In developing the methodology under this paragraph, the commission may allow for

reasonable adjustments to the information it receives if it is aware that actual availability of competitive services differs from what is reflected in the information. If the application of the commission's methodology results in a finding that the standards in paragraph A, subparagraph (1) (../35-A/title35-Asec7221.html) have been met, there is a rebuttable presumption of sufficient competition in a municipality to ensure access to affordable telephone service by households in the municipality. [PL 2015, c. 462, §3 (NEW).]

C. Ninety days prior to filing a petition under this subsection, a price cap ILEC shall notify the commission and the Office of the Public Advocate of the price cap ILEC's intent to file a petition. The price cap ILEC shall also give advance notice of its intent to file a petition in its monthly billing statement to each customer in the municipality in which it will be seeking relief from the obligation to provide provider of last resort service.

The commission shall hold a public hearing in each affected municipality to allow customers of the price cap ILEC as well as other residents of the affected municipality to testify. The price cap ILEC shall give advance notice of the hearing to each customer in the municipality in its monthly billing statement and publish this notice in a newspaper of general circulation in that municipality. [PL 2015, c. 462, §3 (NEW).]

D. The commission shall issue an order granting or denying a petition within 180 days of receiving a petition under this subsection, except that the commission, at its discretion, may extend this period for up to an additional 30 days. [PL 2015, c. 462, §3 (NEW).]

E. For one year from the date the commission issues an order granting a price cap ILEC relief from the obligation to provide provider of last resort service in a municipality, the price cap ILEC shall continue to offer to each provider of last resort service customer in that municipality to whom it was providing the service on the date of that order a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service. [PL 2015, c. 462, §3 (NEW).]

For purposes of this subsection, "voice network service provider" has the same meaning as in section 7104 (../35-A/title35-Asec7104.html).

[PL 2015, c. 462, §3 (NEW).]

6. Abandonment. A price cap ILEC may not discontinue, reduce or impair the service that it provides in a municipality, or part of a municipality, where it has previously served as the provider of provider of last resort service unless the commission approves the discontinuance, reduction or impairment. The commission may approve the discontinuance, reduction or impairment only if it finds that neither the present nor future public convenience and necessity will be adversely affected by such discontinuance, reduction or impairment of service.

In granting its approval under this subsection, the commission may impose such terms, conditions or requirements as in its judgment are necessary to protect the public interest. A price cap ILEC abandoning all or part of its plant, property or system or discontinuing service pursuant to authority granted by the commission under this subsection is deemed to have waived all objections to the terms, conditions or requirements imposed by the commission in its approval. A discontinuance approved under this subsection is not subject to further approval under section 1104 (../35-A/title35-Asec1104.html).

[PL 2015, c. 462, §3 (NEW).]

7. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A (../5/title5ch375sec0.html).

[PL 2015, c. 462, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 623, Pt. A, §18 (NEW). PL 2015, c. 462, §3 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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Consumer Guide

Wireless 911 Service

The ability to reach 911 from your wireless phone has become a vital public safety tool. Wireless 911 calls also create unique challenges, however. Since wireless phones are mobile, they are not associated with one fixed location or address. The FCC is working to ensure that wireless 911 calls are transmitted with increasingly precise location information so that first responders can quickly find and assist those in need.

Tips for Making Wireless 911 Calls

When making a 911 call from a wireless phone, you should:

- Tell the emergency operator the location of the emergency right away.
- Be prepared to provide the emergency operator with your wireless phone number so if the call gets disconnected, the emergency operator can call you back.
- Remember that many emergency operators currently lack the technical capability to receive texts, photos, and videos.
- If you do not have a contract for service with a service provider and your emergency wireless call gets disconnected, you must call the emergency operator back because the operator will not have your telephone number and cannot contact you.

Also:

- Learn and use the designated number in your state for highway accidents or other non-life-threatening incidents. States often reserve specific numbers for these types of incidents. For example, "#77" is the number used for highway accidents in Virginia.
- Consider creating a contact in your wireless phone with the name "ICE" (In Case of Emergency), which will identify who you want to have notified in an emergency.
- Lock your keypad when you're not using your wireless phone to help prevent accidental calls to 911.

Basic and Enhanced Wireless 911 Rules

FCC wireless 911 rules aim to provide 911 call centers (known as Public Safety Answering Points or PSAPs) with meaningful, accurate location information so that local emergency responders can be dispatched quickly to help wireless 911 callers.

The FCC's basic 911 rules require wireless service providers to transmit all 911 calls to a PSAP, regardless of whether the caller subscribes to the provider's service or not.

Phase I Enhanced 911 (E911) rules require wireless service providers to provide the PSAP with the telephone number of the originator of a wireless 911 call and the location of the cell site or base station transmitting the call.

Federal Communications Commission · Consumer and Governmental Affairs Bureau · 45 L Street NE, Washington, DC 20554
1-888-CALL-FCC (1-888-225-5322) · TTY: 1-888-TELL-FCC (1-888-835-5322) · www.fcc.gov/consumer-governmental-affairs-bureau

Phase II E911 rules require wireless service providers to transmit the location of a wireless 911 call, within certain parameters for accuracy. Under the FCC's rules, wireless providers are subject to increasingly stringent 911 location accuracy requirements almost every year through 2024.

Avoid Making Accidental Wireless 911 Calls

Many older wireless phones are equipped with a pre-activated 911 auto-dial feature, which can lead to accidental dialing of 911. Accidental 911 calls can cause public safety personnel and resources to be diverted from real emergencies.

You can help reduce accidental 911 calls by locking your keypad. You may also consider turning off the 911 auto-dial feature if your phone has one. Check your device settings, user manual or the manufacturer's website to learn how.

Filing a complaint

You have multiple options for filing a complaint with the FCC:

- File a complaint online at consumercomplaints.fcc.gov
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322); ASL: 1-844-432-2275
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

  Federal Communications Commission
  Consumer and Governmental Affairs Bureau
  Consumer Inquiries and Complaints Division
  45 L Street NE
  Washington, DC 20554

Consumer Help Center

For more information on consumer issues, visit the FCC's Consumer Help Center at fcc.gov/consumers.

Alternate formats

To request this article in an alternate format - braille, large print, Word or text document or audio - write or call us at the address or phone number at the bottom of the page, or send an email to fcc504@fcc.gov.

Last Reviewed: 10/16/19

MAINE PUBLIC UTILITIES COMMISSION

REPORT REGARDING COMMISSION REVIEW OF THE EFFECT OF RELIEF OF THE PROVIDER OF LAST RESORT SERVICE OBLIGATION PURSUANT TO THE PROVISIONS OF PUBLIC LAW 2015, CHAPTER 462

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List of Acronyms and References

CASD:	Consumer Assistance and Safety Division
CLEC:	Competitive Local Exchange Carrier
FCC:	Federal Communications Commission
ILEC:	Incumbent Local Exchange Carrier
Mbps:	Megabit per Second (One Million Bits per Second)
MPUC:	Maine Public Utilities Commission
M.R.S.:	Maine Revised Statutes
OPA:	Office of the Public Advocate
POLR:	Provider of Last Resort
RBOC:	Regional Bell Operating Company

"2016 Act"	P.L. 2015, ch. 462, "An Act to Increase Competition and Ensure a Robust Telecommunications Market"
"Commission"	Maine Public Utilities Commission
"FairPoint"	Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE
"Price Cap ILECs."	Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, Community Service Telephone Co., and Northland Telephone Company.
"Reform Act"	P.L. 2011, ch. 623, "An Act to Reform Telecommunications Regulation"

I. INTRODUCTION

In 2012, as a part of its efforts to reform telecommunications in Maine, the Maine Legislature, enacted P.L. 2011, ch. 623, "An Act to Reform Telecommunications Regulation" ("Reform Act"). In the Reform Act, the Legislature undertook comprehensive reform of Maine's telecommunication laws. Among the Reform Act's provisions were the creation of the term "provider of last resort"–or "POLR"–telephone service. POLR service was specifically defined by the Reform Act, and is codified in Maine law, but is essentially the most basic form of telephone service, that allows subscribers to make local calls at a flat rate and provides access to 911, directory assistance, operator services, and long distance.[1] All of Maine's incumbent local exchange carriers–or "ILECs"–are required by Maine law to offer POLR service to their customers. While the Reform Act created the term POLR, the ILECs have been providing basic telephone service since the 1880s. The Reform Act also deregulated nearly all other retail telecommunications services in Maine.

In early 2016, continuing its efforts to reform and deregulate Maine's telecommunications industry, the 127th Maine State Legislature, in its Second Regular Session, enacted P.L. 2015, ch. 462, "An Act to Increase Competition and Ensure a Robust Telecommunications Market" (the "2016 Act"). Among its provisions, the 2016 Act provided for the removal of the obligation to provide POLR service for certain ILECs, primarily those that serve the most populous areas of the State. The 2016 Act refers to these carriers as "Price Cap ILECs."[2] As an initial matter, the 2016 Act immediately removed the Price Cap ILECs' POLR service obligation in the seven most populous municipalities in Maine: Portland, Lewiston, Bangor, South Portland, Auburn, Biddeford, and Sanford. The 2016 Act then set forth a procedure whereby the Maine Public Utilities Commission ("MPUC" or "the Commission") could relieve Price Cap ILECs of their POLR service obligation in the next fifteen most populous municipalities, in sequential five-municipality increments. For these twenty-two municipalities, the relevant Price Cap ILEC is Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, known colloquially across Maine as simply "FairPoint." The Commission notes that the 2016 Act predicated such relief from the Commission on FairPoint meeting certain

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[1] The full definition of POLR service is in statute at 35-A M.R.S. § 7201(7).

[2] A "Price Cap ILEC" is defined in the Act as "an incumbent local exchange carrier that agreed to accept Connect America Fund Phase II support pursuant to the Federal Communications Commission's Report and Order released on December 18, 2014, in the Matter of Connect America Fund, WC Docket No. 10-90, FCC 14-190, for locations within the State on or before January 1, 2016 and does not receive funding from a state universal fund under [Title 35-A] section 7104." P.L. 2015, ch. 462, Sec. 1 now codified at 35-A M.R.S. § 7102(6-A). There are three carriers in Maine that meet this definition: Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE ("FairPoint" or "the Company"), Community Service Telephone Co. ("Community Service"), and Northland Telephone Company ("Northland"). All three carriers are affiliated with one another and are now wholly owned subsidiaries of Consolidated Communications, Inc.

service quality benchmarks over a six-month period and meeting public notice requirements; that is, FairPoint, upon a showing of satisfactory service quality performance, may petition the Commission for relief for its POLR service obligation in five municipalities.

To date, the Commission has granted relief to FairPoint of the Company's POLR service obligation in Cape Elizabeth, Gorham, Waterville, Kennebunk, Scarborough, Bath, Yarmouth, Old Orchard Beach, Westbrook, and Freeport. The five remaining municipalities covered by the 2016 Act are: Brewer, Kittery, Windham, Brunswick, and Augusta; the Commission anticipates receiving a petition for POLR service obligation relief from FairPoint for these municipalities in January 2018.

In addition to implementing the POLR obligation relief discussed above, the 2016 Act imposed a reporting requirement on the Commission. The 2016 Act requires the Commission to provide the Legislature with a list of municipalities in which the obligation to provide POLR service has ceased. In addition, the Commission must report on the effect of the removal of POLR service on former POLR service customers, FairPoint's workforce, the maintenance and status of the copper line network, public safety, and the cost, features, and availability of telephone service, including service to the hearing impaired, and broadband service." The Commission in its report may also recommend related legislation.

This Report is intended to satisfy the reporting requirements required by the 2016 Act.

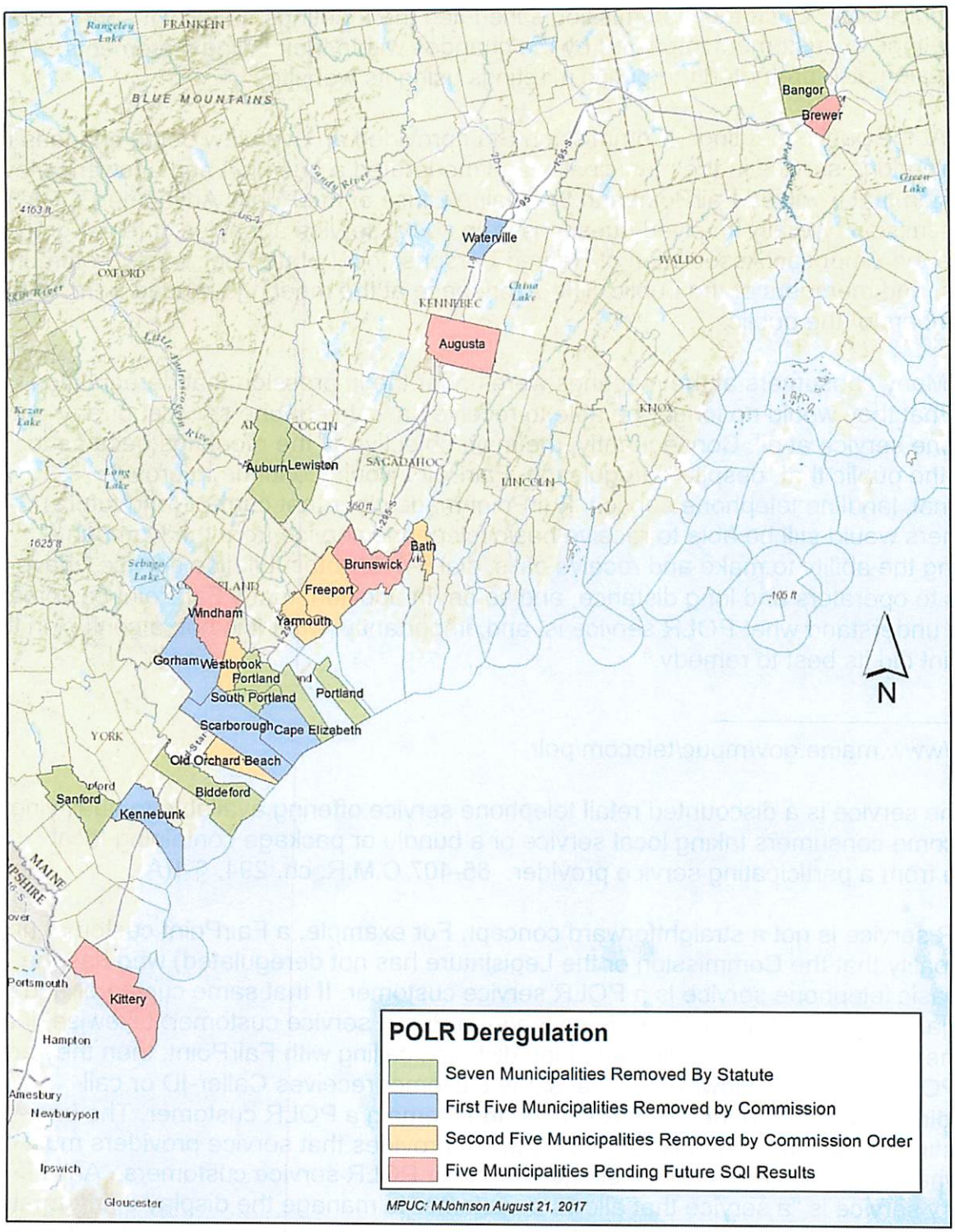
II. SPECIFIC AREAS OF DISCUSSION REQUIRED BY THE 2016 ACT

A. MUNICIPALITIES WHERE THE POLR SERVICE OBLIGATION HAS CEASED

The table below contains the list of communities where either the Legislature by statute or the Commission based on statutory criteria has removed FairPoint's POLR service obligation. The table also indicates the date of the public meeting convened by the Commission in a given municipality to provide information to residents about the removal of the POLR service obligation, the date upon which the Legislature or the Commission removed the POLR service obligation, and the authority for removal of the obligation.

Municipality	Public Meeting	POLR Removed	Removal Authority
Bangor	July 7, 2016	August 29, 2016	35-A MRSA §7221
Lewiston	July 13, 2016	August 29, 2016	35-A MRSA §7221
Sanford	July 14, 2016	August 29, 2016	35-A MRSA §7221
South Portland	July 21, 2016	August 29, 2016	35-A MRSA §7221
Biddeford	July 28, 2016	August 29, 2016	35-A MRSA §7221
Auburn	August 2, 2016	August 29, 2016	35-A MRSA §7221
Portland	August 3, 2016	August 29, 2016	35-A MRSA §7221
Cape Elizabeth	March 20, 2017	April 27, 2017	2017-00016
Gorham	March 22, 2017	April 27, 2017	2017-00016
Waterville	March 23, 2017	April 27, 2017	2017-00016
Kennebunk	March 28, 2017	April 27, 2017	2017-00016
Scarborough	March 30, 2017	April 27, 2017	2017-00016
Bath	September 26, 2017	November 2, 2017	2017-00185
Yarmouth	September 27, 2017	November 2, 2017	2017-00185
Old Orchard Beach	September 28, 2017	November 2, 2017	2017-00185
Westbrook	October 3, 2017	November 2, 2017	2017-00185
Freeport	October 5, 2017	November 2, 2017	2017-00185

The map below graphically depicts the locations of the deregulated municipalities. The map also contains the additional five communities from the 2016 Act that will soon become eligible to have their POLR obligation removed.



As discussed briefly above, on August 29, 2016, the Legislature removed FairPoint's POLR service obligation in seven municipalities. The 2016 Act required the Commission to hold a public meeting in each affected municipality to allow residents to obtain information from FairPoint about the upcoming changes to telephone service in their municipality. Once the Commission scheduled the meetings, FairPoint sent notice of the meetings to customers impacted by the changes within their billing statements. The Commission also promoted the public meetings using its website.[3]

At the public meetings, Commission Staff provided an overview of the changes to local telephone service in the municipality and moderated a question and answer style discussion that involved FairPoint and the Maine Office of the Public Advocate ("OPA"). The discussion typically involved questions from social service agencies, interest groups such as the American Association of Retired Persons, local State Legislators, community leaders, and members of the public. The attendance at the meetings ranged from 10 to 30 members of the public.

Many consumers at the meetings were under the impression that deregulation meant that they would no longer be able to receive basic telephone service, or any telephone service at all. Consequently, the main objective of the meetings became to inform the public that, despite deregulation, FairPoint would continue to provide traditional, landline telephone service. FairPoint made clear that current (and future) customers would still be able to receive basic telephone service from the Company, including the ability to make and receive calls, dial 9-1-1, obtain Lifeline service,[4] have access to operators and long distance, and so on. In addition, many FairPoint customers did not understand what POLR service is, and, importantly, what it is not; a confusion that FairPoint did its best to remedy.[5]

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[3] http://www.maine.gov/mpuc/telecom/polr

[4] Lifeline service is a discounted retail telephone service offering available to qualifying low-income consumers taking local service or a bundle or package containing local service from a participating service provider. 65-407 C.M.R. ch. 294, § 1(A).

[5] POLR service is not a straightforward concept. For example, a FairPoint customer (in a municipality that the Commission or the Legislature has not deregulated) who has the most basic telephone service is a POLR service customer. If that same customer adds voicemail, however, that customer is no longer a POLR service customer. Likewise, if a customer has basic voice service and long distance calling with FairPoint, then they are not a POLR customer. However, if that same customer receives Caller-ID or call-forwarding in addition to their POLR service they remain a POLR customer. The basis for this distinction lies in 35-A M.R.S. § 7224, which provides that service providers must offer what are known as "ancillary services" to their POLR service customers. An ancillary service is "a service that allows a customer to manage the display of information identifying the originator of a voice call or to manage the delivery of a voice call, including but not limited to call waiting and call forwarding, and is related to the provisioning of voice grade access to the public switched telephone network so that the customer is

Although FairPoint would continue to provide basic telephone service, FairPoint and Commission Staff informed meeting attendees that the Legislature has made some regulatory changes to Maine law. For example, after a period of one year, FairPoint customers with complaints about service in the deregulated municipalities would no longer be able to file complaints with the Commission's Consumer Assistance and Safety Division; customers in these municipalities would need to contact FairPoint directly or file a complaint with the Attorney General's Office. The OPA also emphasized that consumers could also reach out to them for assistance.

In addition, beginning immediately, FairPoint informed attendees that the Company would no longer accept new POLR service customers; new customers would instead be able to purchase a "POLR equivalent" basic service offering from FairPoint. In addition, FairPoint informed attendees that existing POLR service customers in deregulated communities who maintained basic service from FairPoint would not see any changes to their rates or terms and conditions of service during the first year, but could thereafter see changes in rates.

Following the deregulation of the first seven municipalities in August 2016, FairPoint became eligible to seek Commission relief from its POLR service obligations in the first five of the fifteen additional municipalities specified in the 2016 Act. For these municipalities to be eligible for POLR service obligation relief, FairPoint was required to meet the service quality standards set forth in the 2016 Act over two consecutive reporting quarters.

On January 19, 2017, FairPoint filed its request for relief. As a part of its request, FairPoint certified to the Commission that the Company had met the statutory service quality standards for the third and fourth quarters of 2016. The Commission then organized a series of public meetings in five affected municipalities. As with the first seven municipalities, FairPoint notified customers in these communities of the upcoming meetings through their billing statements, and Commission Staff noticed and promoted the meetings on the Commission's website. A public meeting was held in each affected municipality between March 20 and March 30, 2017. The meeting format for this second group of five municipalities mirrored the format of the first seven meetings. The meeting format for these first "group of five" meetings mirrored the format of the first seven meetings. However, unlike the first seven meetings which saw fairly strong attendance, these five meetings had fewer attendees, even after accounting for differences in population: zero attendees in Waterville, Kennebunk, and Cape Elizabeth, and fewer than ten attendees each in Gorham and Scarborough.

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unable to obtain a functionally equivalent service from any device or service offered by an entity other than the service provider." *Id.* Ancillary services include services such as Caller-ID, call forwarding, and call waiting. Voicemail and long distance service are not considered ancillary services because a customer can obtain these services from a third-party. Accordingly, a customer who receives a non-ancillary service, such as voicemail or long distance service, from their service provider in conjunction with basic telephone service, is not, by definition, a POLR service customer.

On July 19, 2017, FairPoint filed its request for relief from its POLR service obligations in the next set of five municipalities. Again, as a part of its request, FairPoint certified to the Commission that the Company had met the statutory service quality standards for the first and second quarters of 2017. The Commission then organized public meetings in the affected municipalities. FairPoint notified customers in these communities of the upcoming meetings through their billing statements, The Commission noticed and promoted the meetings on the Commission's website, and continued the meeting format from prior meetings. A public meeting was held in each affected municipality between September 26 and October 4, 2017. As with the meetings in the previous five municipalities, attendance at the meetings was light, with zero attendees in Westbrook and Old Orchard Beach, and fewer than five attendees in Yarmouth, Bath, and Freeport.

B. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON POLR SERVICE CUSTOMERS

The definition of POLR service, created by the 125th Maine Legislature[6], helped to clarify in Maine the long-standing general concept of universal telephone service called the carrier of last resort. Guaranteed access to universal service has been the cornerstone of regulated telephone service since 1934. As the roots of competition grew with the divestiture of AT&T's telephone service monopoly in 1984, that company was divided into seven Regional Bell Operating Companies (RBOCs).[7] Although federal law prohibited the RBOCs from engaging in long distance service, as that industry was opened to competition, they remained the monopoly in the last mile of telephone service. The RBOCs provided local telephone service to customers in their communities, and they were required to provide telephone service to all. The Telecommunications Act of 1996[8] opened the doors to increased competition in the local telephone service market by creating new competitors who could compete with the traditional telephone company. Some of these new competitors included competitive local exchange carriers–known as "CLECs"–cable providers, voice over Internet protocol service providers, mobile wireless providers, and even satellite providers.

With all this new competition, FairPoint and other traditional providers have seen their market share of voice customers steadily decline. According to the annual reports

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[6] Title 35-A §7201(7)

[7] FairPoint is a direct successor to one of the original seven RBOCs, and the Federal Communications Commission classifies FairPoint as an RBOC.

[8] Pub. L. No. 104-104, 110 Stat. 56 (1996)

the Commission receives from ILECs like FairPoint, the ILECs collectively have seen a 54% drop in the total number of retail voice customers from 2008 to 2016.[9]

As described above, the general trend for FairPoint, and all Maine ILECs, is a steady decline in retail telephone service customers. The Legislature's interest as expressed in the 2016 Act, however, is the effect, if any, the removal of the POLR service obligation has had on customers in the deregulated municipalities. To have adequate specific information to prepare this Report, the Commission requested preliminary information from FairPoint concerning the deregulated municipalities and POLR service generally.[10]

The following table shows the changes in the number of customers subscribing to POLR service in the 22 communities specified in the Act from 2015 to 2016.

Municipality	2015 Total POLR	2016 Total POLR	Percent Change
Bangor	565	362	-35.9%
Lewiston	682	502	-26.4%
Sanford	310	222	-28.4%
South Portland	432	316	-26.9%
Biddeford	274	167	-39.1%
Auburn	380	279	-26.6%
Portland	1,088	773	-29.0%
Cape Elizabeth	221	161	-27.1%
Gorham	223	155	-30.5%
Waterville	229	155	-32.3%
Kennebunk	236	153	-35.2%
Scarborough	362	266	-26.5%
Bath	184	137	-25.5%
Yarmouth	135	106	-21.5%
Old Orchard Beach	180	122	-32.2%
Westbrook	238	180	-24.4%
Freeport	194	129	-33.5%
Brewer	180	128	-28.9%
Kittery	116	80	-31.0%
Windham	228	161	-29.4%
Brunswick	425	286	-32.7%
Augusta	394	294	-25.4%
Total	**7,276**	**5,134**	**-29.4%**

[9] 528,633 Total Retail Voice Customers in 2008 compared to 242,161 Total Retail Voice Customers in 2016.

[10] The Commission's request is attached to this report as Appendix A.

In deregulated communities, the Commission does not have regulatory authority to address disputes between customers and FairPoint; such is the nature of deregulation. It is not uncommon, however, for the Commission's Consumer Assistance and Safety Division ("CASD") to receive complaint calls regarding utility services that the Commission does not regulate. In these cases, CASD explains the Commission's regulatory authority, or lack thereof, and directs consumers to the utility, company, or agency that is best able to address their complaints. CASD will continue to exercise this approach if the Commission receives complaints about FairPoint service in deregulated municipalities. However, the Commission has not, to date, received any complaints from consumers about an inability to receive voice service from FairPoint.

C. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON FAIRPOINT'S WORKFORCE

The workforce and personnel information provided to the Commission by FairPoint is considered by the Company to be proprietary and confidential business information. Consequently, the Commission cannot share any specific information. In addition, the fact that POLR service obligation removal began only a little over a year ago, and has been implemented gradually, renders problematic any analysis of the specific effect of the removal of the POLR service obligation on FairPoint's workforce. It is the Commission's expectation, however, that the information provided by FairPoint will be useful as benchmark data that will enable the Commission to better analyze the effect of POLR obligation removal on FairPoint's workforce in the report the Commission presents to the Legislature in 2020.

Generally, however, it is the Commission's view that the location of FairPoint personnel is not as important as the number of personnel available company-wide in Maine to answer calls, provision service, and resolve maintenance issues. It is the Commission's understanding that many employees already serve regions of the State instead of a specific municipality. Therefore, the removal of the POLR service obligation, in and of itself, is unlikely to specifically impact the workforce count. Finally, FairPoint has expressed in other proceedings that the Company intends to maintain staffing levels for the near future. According to FairPoint, this is a result of major investments in Maine's broadband network due to recent federal funding, FairPoint's recent merger with Consolidated Communications, and the additional maintenance work resulting from the resolution of recent service quality investigations conducted by the Commission.

D. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON THE MAINTENANCE AND STATUS OF FAIRPOINT'S COPPER LINE NETWORK

FairPoint considers engineering and maintenance information regarding its copper line network to be proprietary and confidential business information. Consequently, the Commission cannot share any specific information provided by FairPoint. Generally speaking, however, the capital expenditures indicate an increase in spending from 2015 to 2016. In addition, the Company's plans for 2015 and 2016 generally included upgrades

or improvements to FairPoint's telecommunications network. Some of these improvements were upgrades at FairPoint's Central Offices and Remote Terminals that serve voice and broadband customers, including updates to FairPoint's telecommunications network in municipalities that have seen the POLR service obligation removed.[11]

E. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON PUBLIC SAFETY

According to the Commission's Emergency Communications Services Bureau, there were no issues with 9-1-1 calls or emergency services as a result of changes to POLR service in the deregulated communities. The Commission is unaware of any other potential effects on public safety as a direct result of the removal of the POLR service obligation in a given municipality.

F. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON THE COST, FEATURES, AND AVAILABILITY OF TELEPHONE SERVICE

Since the initial seven communities were fully deregulated, FairPoint has not implemented increases for basic local service in those communities, or anywhere else in Maine. FairPoint has indicated to the Commission that the Company has no current plans to increase basic local rates for any customer (POLR or POLR equivalent).[12]

G. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON THE COST, FEATURES, AND AVAILABILITY OF SERVICE TO THE HEARING IMPAIRED

The removal of the POLR obligation has not changed or impacted the cost, features, or availability of voice services to the hearing impaired. In addition, the cost of basic telephone service in deregulated municipalities is the same as the cost of POLR service where the obligation remains.

H. EFFECT OF POLR SERVICE OBLIGATION REMOVAL ON BROADBAND SERVICE

While POLR service and broadband service may, in some instances, share underlying facilities, they remain two separate and distinct services. If a customer can currently receive broadband service from FairPoint, the removal of any particular voice service offering, including POLR service, should not impact the customer's ability to receive broadband service from FairPoint. Indeed, if a customer purchases a "bundled"

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[11] The Commission will request information from FairPoint regarding the Company's infrastructure improvements in 2017-2019, and will include that information in the Commission's report to the Legislature in January 2020.

[12] The 2016 Act established a POLR rate in statute and allowed Price Cap ILECs to increase the POLR rate by up to 5% annually. 35-A M.R.S. § 7222-A.

package of broadband and voice service, that customer is not currently a POLR service customer, regardless of municipality.

As noted above, the Company has numerous projects ongoing throughout its service territory to update Central Offices and Remote Terminals. Many of these projects are referred to as "overlays" and serve to update the electronics at these sites to more modern equipment that can improve broadband speeds and the efficiency and quality of both Internet voice service running through these sites. These equipment updates, combined with increased fiber deployment, should improve the internet and voice experience for the end-user customer.

FairPoint is also participating in a federally-funded program that provides $80 million over six years to provide customers in unserved or underserved area with broadband speeds of at least 10 Mbps down and 1 Mbps up. To the best of the Commission's knowledge, it does not appear that any of the municipalities that have had or will have their POLR service obligation removed meet the criteria for funding under this federal project. As noted above, however, FairPoint continues to make ongoing updates to its facilities in communities across Maine, including communities that are, or soon will be, deregulated.

III. COMMISSION RECOMMENDED LEGISLATION

The Commission does not propose any legislative changes at this time.

APPENDIX A

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Mark A. Vannoy
CHAIRMAN

Carlisle J. T. McLean
R. Bruce Williamson
COMMISSIONERS

Harry Lanphear
ADMINISTRATIVE DIRECTOR

November 17, 2016

Sarah Davis
Senior Director, Government Relations and Wholesale Strategies
FairPoint Communications
1 Davis Farm Rd.
Portland, ME 04103

Dear Ms. Davis;

Pursuant to 35-A M.R.S. § 112(5), the Maine Public Utilities Commission (Commission) is requesting data and information from Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (FairPoint), Community Service Telephone Company (Community Service), and Northland Telephone Company of Maine (Northland and collectively with FairPoint and Community service, the Price Cap ILECs). The data and information requested by this letter is essential to the ability of the Commission to carry out its obligations pursuant to Maine law; specifically, the Commission's obligations under P.L. 2015, ch. 462 "An Act to Increase Competition and Ensure a Robust Information and Telecommunications Market" (the Act).[13]

Section 7 of the Act requires the Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, reports related to the removal of the Provider of Last Resort (POLR) service obligation for Price Cap ILECs in Maine communities.[14]

The Commission's review of the effects of relieving Price Cap ILECs from their POLR service obligations will consist of two reports, one due in January of 2018 and the other due in January of 2020. Pursuant to the Act, these reports must include the effect of the removal of POLR service on former POLR service customers, the Price Cap ILEC's workforce, the maintenance and status of the copper line network, public safety, and the cost, features and availability of telephone service, including service to the hearing impaired, and broadband service.

In order to prepare these reports for the Legislature, the Commission must document certain facts and develop a baseline of data which can be used as point of reference for the reports.

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[13] Title 35-A M.R.S. § 112(5) requires a telephone utility to provide the Commission "upon request or order information relevant to the [C]ommission's implementation or enforcement of any provision of state or federal law or rule to which the telephone utility . . . is subject and over which the [C]ommission exercises authority or jurisdiction."

[14] FairPoint, Community Service, and Northland all satisfy the definition of "Price Cap ILEC" in 35-A M.R.S. § 7102(6-A).

Accordingly, the Commission is requesting the Price Cap ILECs provide the following information:

- The Price Cap ILECs' workforce by location, position, and title, as of August 1, 2016.
- All engineering studies, capital improvement plans, or any other documents related to each Price Cap ILEC's copper line network and associated appurtenances, by year, for 2015, 2016, and 2017.
- All engineering studies, capital improvement plans, or any other documents related to each Price Cap ILEC's broadband network and associated appurtenances, by year, for 2015, 2016, and 2017
- Documentation of all planned and actual capital expenditures for each Price Cap ILEC for 2015, 2016, and 2017.
- Documentation (including the cost) of budgeted and performed maintenance activities for the copper line network and associated appurtenances for each Price Cap ILEC by year for 2015, and 2016, and 2017.
- Documentation (including the cost) of budgeted and performed maintenance activities for the broadband network and associated appurtenances for each Price Cap ILEC by year for 2015, and 2016, and 2017.
- Locational data for broadband locations planned and deployed by each Price Cap ILEC using Connect America Fund (CAF) proceeds, and a breakdown of CAF proceeds expended by each Price Cap ILEC.
- A breakdown of all other retail broadband expenditures (non-CAF related) for each Price CAP ILEC from 2015 and 2016 listed by municipality.
- All information relative to the cost, features, and availability of telephone service, including service to the hearing impaired, and broadband service, for each Price CAP ILEC as of August 1, 2016.
- The number of monthly customer-reported network troubles (residential, business, and total) for each Price Cap ILEC for 2015 and 2016 listed by municipality.
- The number of monthly network-related service troubles not cleared within 48 hours (residential, business, and total) for each Price Cap ILEC for 2015 and 2016 listed by municipality.
- The number of POLR residential, non-POLR residential, POLR business, and non-POLR business customers for each Price Cap ILEC listed by municipality for each month of 2015 and 2016.
- The number of DSL, FAST Internet, and retail Ethernet customers (residential, business, and wholesale) for each Price Cap ILEC listed by municipality for each month of 2015 and 2016.

The Commission also encourages the Price Cap ILECs to provide any additional relevant information to assist the Commission in the preparation of these reports. Please provide information in MS Excel format when applicable. Data should be submitted to the Commission's Case Management System using the confidential project file titled: CONFIDENTIAL - POLR REPORTS-POLR.

Thank you for your prompt attention to this request. If there are any questions, please do not hesitate to contact me.

Sincerely,

Jeffrey McNelly, Director
Telephone and Water Division

APPENDIX B

PLACEHOLDER FOR PUBLIC COMMENTS ON REPORT

Companies Offering Landline Residential Telephone Service by Exchange

March 2020

The table below shows companies that are currently providing landline residential telephone service in each telephone exchange of the state, according to information provided to the New Hampshire Public Utilities Commission.

Cellular carriers do not provide such information to the PUC and are not listed. In addition, some carriers that may offer service have declined to be included in the table.

Note that the table lists providers alphabetically, and by "exchange" rather than by town. For historical reasons these may be different. For example, all Manchester is in an exchange named "Manchester," but part of Auburn is also in the "Manchester" exchange. You may want to check the exchange map on this site.

Some of these companies are prepared to quickly provide service in other exchanges where they are not yet listed. See the contact information below the table for any notes regarding such availability.

Exchange	Residential Service Providers
Alstead	Comcast Phone of NH Consolidated Communications
Alton	Metrocast TDS Telecom
Andover	Comcast Phone of NH TDS Telecom
Antrim	Comcast Phone of NH TDS Telecom
Ashland	Consolidated Communications Metrocast
Barnstead	Metrocast TDS Telecom
Barrington	Consolidated Communications Metrocast
Bartlett	Consolidated Communications
Bedford	Comcast Phone of NH Consolidated Communications
Belmont	Comcast Phone of NH Consolidated Communications Metrocast
Berlin	Consolidated Communications
Bethlehem	Consolidated Communications
Boscawen	Comcast Phone of NH TDS Telecom

Exchange	Residential Service Providers
Bradford	TDS Telecom
Bretton Woods	Bretton Woods Telephone Company
Bristol	Consolidated Communications Metrocast
Campton	Consolidated Communications
Canaan	Comcast Phone of NH Consolidated Communications
Candia	Comcast Phone of NH Consolidated Communications
Canterbury	Comcast Phone of NH Consolidated Communications
Center Barnstead	Metrocast TDS Telecom
Center Harbor	Consolidated Communications Metrocast
Center Ossipee	Consolidated Communications
Center Sandwich	Consolidated Communications
Charlestown	Comcast Phone of NH Consolidated Communications
Chatham	Consolidated Communications
Chester	Granite State Telephone
Chichester	Comcast Phone of NH TDS Telecom
Claremont	Comcast Phone of NH Consolidated Communications
Colebrook	Consolidated Communications
Concord	Comcast Phone of NH Consolidated Communications
Contoocook	Comcast Phone of NH TDS Telecom
Conway	Consolidated Communications
Danbury	Comcast Phone of NH Consolidated Communications
Deerfield	Consolidated Communications Metrocast
Derry	Comcast Phone of NH Consolidated Communications
Dixville Notch	Dixville Telephone Company
Dover	Comcast Phone of NH Consolidated Communications
Dublin	Consolidated Communications
Dunbarton	Dunbarton Telephone Company
Durham	Comcast Phone of NH Consolidated Communications Metrocast
East Conway	Consolidated Communications

Exchange	Residential Service Providers
Enfield	Comcast Phone of NH Consolidated Communications
Epping	Comcast Phone of NH Consolidated Communications
Epsom	Comcast Phone of NH Consolidated Communications Metrocast
Errol	Consolidated Communications
Exeter	Comcast Phone of NH Consolidated Communications
Farmington	Consolidated Communication Metrocast
Fitzwilliam	Consolidated Communications
Franconia	Consolidated Communications
Franklin	Comcast Phone of NH Consolidated Communications Metrocast
Gilmanton Iron Works	Metrocast TDS Telecom
Goffstown	Comcast Phone of NH Consolidated Communications
Gorham	Consolidated Communications
Greenfield	Comcast Phone of NH Consolidated Communications
Greenville	Comcast Phone of NH Consolidated Communications
Groveton	Consolidated Communications
Hampstead	Comcast Phone of NH Consolidated Communications
Hampton	Comcast Phone of NH Consolidated Communications
Hancock	Comcast Phone of NH Consolidated Communications
Hanover	Comcast Phone of NH Consolidated Communications
Harrisville	Consolidated Communications
Henniker	Comcast Phone of NH TDS Telecom
Hillsboro	Comcast Phone of NH TDS Telecom
Hillsboro Upper Village	Granite State Telephone
Hinsdale	Comcast Phone of NH Consolidated Communications
Hollis	TDS Telecom
Jackson	Consolidated Communications

Exchange	Residential Service Providers
Jaffrey	Comcast Phone of NH Consolidated Communications
Jefferson	Consolidated Communications
Keene	Comcast Phone of NH Consolidated Communications Sovernet
Kingston	Comcast Phone of NH Consolidated Communications
Laconia	Consolidated Communications Metrocast Sovernet
Lancaster	Consolidated Communications
Lebanon	Comcast Phone of NH Consolidated Communications Sovernet
Lisbon	Consolidated Communications
Littleton	Consolidated Communications
Lyme	Comcast Phone of NH Consolidated Communications
Madison	Consolidated Communications
Manchester	Comcast Phone of NH Consolidated Communications
Marlborough	Consolidated Communications
Marlow	Consolidated Communications
Melvin Village	TDS Telecom
Meredith	Consolidated Communications Metrocast
Meriden	Comcast Phone of NH TDS Telecom
Merrimack	Comcast Phone of NH Consolidated Communications
Milan	Consolidated Communications
Milford	Comcast Phone of NH Consolidated Communications
Milton	Consolidated Communications Metrocast
Milton Mills	Consolidated Communications Metrocast
Monroe	Consolidated Communications
Nashua	Comcast Phone of NH Consolidated Communications Sovernet
New Boston	Comcast Phone of NH Consolidated Communications
New Durham	Metrocast TDS Telecom

Exchange	Residential Service Providers
New London	Comcast Phone of NH TDS Telecom
Newmarket	Comcast Phone of NH Consolidated Communications
Newport	Comcast Phone of NH Consolidated Communications
North Conway	Consolidated Communications
North Stratford	Consolidated Communications
North Walpole	Comcast Phone of NH Consolidated Communications Sovernet
North Woodstock	Consolidated Communications
Northwood	Comcast Phone of NH Consolidated Communications Metrocast
Orford	Consolidated Communications
Pelham	Comcast Phone of NH Consolidated Communications
Penacook	Comcast Phone of NH Consolidated Communications
Peterborough	Comcast Phone of NH Consolidated Communications
Piermont	Consolidated Communications
Pike	Consolidated Communications
Pittsburg	Consolidated Communications
Pittsfield	Comcast Phone of NH Consolidated Communications Metrocast
Plainfield	Comcast Phone of NH Consolidated Communications
Plaistow	Comcast Phone of NH Consolidated Communications
Plymouth	Consolidated Communications Metrocast
Portsmouth	Comcast Phone of NH Consolidated Communications
Raymond	Comcast Phone of NH Consolidated Communications
Rindge	Consolidated Communications
Rochester	Consolidated Communications Metrocast
Rumney	Consolidated Communications
Rye Beach	Comcast Phone of NH Consolidated Communications
Salem	Comcast Phone of NH Consolidated Communications

Exchange	Residential Service Providers
Salisbury	Comcast Phone of NH TDS Telecom
Sanbornville	Consolidated Communications
Seabrook	Comcast Phone of NH Consolidated Communications
Somersworth	Comcast Phone of NH Consolidated Communications
South Hampton	Comcast Phone of NH Consolidated Communications
Spofford	Consolidated Communications Sovernet
Sullivan	Consolidated Communications
Sunapee	Comcast Phone of NH Consolidated Communications
Suncook	Comcast Phone of NH Consolidated Communications
Sutton	Comcast Phone of NH TDS Telecom
Tamworth	Consolidated Communications
Tilton	Consolidated Communications Metrocast
Troy	Consolidated Communications
Twin Mountain	Consolidated Communications
Walpole	Comcast Phone of NH Consolidated Communications
Warner	TDS Telecom
Warren	Consolidated Communications
Washington	Granite State Telephone
Weare	Granite State Telephone
West Chesterfield	Comcast Phone of NH Consolidated Communications
West Lebanon	Comcast Phone of NH Consolidated Communications Sovernet
West Stewartstown	Consolidated Communications
Westmoreland	Consolidated Communications
Whitefield	Consolidated Communications
Wilton	Comcast Phone of NH TDS Telecom
Winchester	Comcast Phone of NH Consolidated Communications
Wolfeboro	Consolidated Communications Metrocast
Woodsville	Consolidated Communications

Company	Contact
Bretton Woods Telephone Company	(603) 278-9911
Comcast Phone of NH	800-COMCAST (800 266-2278)
Dunbarton Telephone Company	(603) 774-9911
Consolidated Communications	(844) 968-7224
Granite State Telephone	(603) 529-9911
Metrocast	(800) 952-1001
Sovernet*	(877) 877-2120, option 4
TDS Telecom	(888) 225-5837

**In addition to the listed exchanges, these companies may be able to quickly offer service in other areas of the state. Please contact them to discuss your needs.*

Title 35-A: PUBLIC UTILITIES
Part 7: TELECOMMUNICATIONS
Chapter 72: TELECOMMUNICATIONS REGULATORY REFORM
Subchapter 2: PROVIDER OF LAST RESORT SERVICE

§7221. Designation of service providers

1. Initial designation of service providers. An entity that was an incumbent local exchange carrier as of January 1, 2012 shall provide provider of last resort service within its service area.

[PL 2011, c. 623, Pt. A, §18 (NEW).]

2. Reassignment of service provider obligation. A service provider may petition the commission for authorization to assign its provider of last resort service obligation for a given geographic area to another voice service provider. The commission shall by rule develop a process for identifying and approving replacement service providers, but in no event may a voice service provider be designated as a replacement service provider without the express consent of the voice service provider. Before authorizing the reassignment of the provider of last resort service obligation to another voice service provider, the commission shall ensure that the voice service provider possesses the financial and technical capability to meet all provider of last resort service standards set by the commission by rule. The commission may not reassign the provider of last resort service obligation to any entity that would provide the service only as a reseller, as determined by the commission by rule.

[PL 2011, c. 623, Pt. A, §18 (NEW).]

3. Modification of service obligations. Notwithstanding section 7201, subsection 7 (../35-A/title35-Asec7201.html), the commission, in an adjudicatory proceeding, may relieve a service provider of the requirement that it have the capacity to maintain uninterrupted voice service during a power failure, either through the incorporation into the network or network interface devices of suitable battery backup or through electric current. The commission may grant the relief only if it finds that doing so is in the public interest. In determining that granting relief under this section is in the public interest, the commission must find that the benefits that would accrue to customers of the provider of last resort service from providing the relief would exceed the benefits to those customers of preserving the requirement.

[PL 2011, c. 623, Pt. A, §18 (NEW).]

4. Removal of the provider of last resort service obligation in select municipalities. This subsection governs the removal of the obligation of a price cap ILEC to provide provider of last resort service in certain municipalities.

A. Thirty days after the effective date of this subsection a price cap ILEC is not obligated to provide provider of last resort service in the following municipalities:

(1) Portland;

(2) Lewiston;

(3) Bangor;

(4) South Portland;

(5) Auburn;

(6) Biddeford; and

(7) Sanford. [PL 2015, c. 462, §3 (NEW).]

B. Every 6 months after the effective date of this subsection, the commission shall examine the service quality reports of a price cap ILEC under section 7225-A (../35-A/title35-Asec7225-A.html) for the immediately preceding 2 consecutive quarters and, if the service quality requirements of section 7225-A (../35-A/title35-Asec7225-A.html) have been met, the commission shall issue a certificate relieving the price cap ILEC of the obligation to provide provider of last resort service in 5 of the municipalities listed in this paragraph. The order in which a price cap ILEC may be relieved of the obligation to provide provider of last resort service in a municipality under this paragraph is as follows:

(1) Scarborough;

(2) Gorham;

(3) Waterville;

(4) Kennebunk;

(5) Cape Elizabeth;

(6) Old Orchard Beach;

(7) Yarmouth;

(8) Bath;

(9) Westbrook;

(10) Freeport;

(11) Brewer;

(12) Kittery;

(13) Windham;

(14) Brunswick; and

(15) Augusta. [PL 2015, c. 462, §3 (NEW).]

C. For one year from the date a price cap ILEC is relieved of the obligation to provide provider of last resort service in a municipality in accordance with this subsection, the price cap ILEC shall continue to offer to each provider of last resort service customer in that municipality to whom it was providing the service on the date the obligation ceased a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service. [PL 2015, c. 462, §3 (NEW).]

D. Prior to the removal of the obligation to provide provider of last resort service in any municipality pursuant to this subsection, the commission shall hold a public meeting in the municipality to allow customers of the

price cap ILEC to obtain information about the upcoming changes to service. [PL 2015, c. 462, §3 (NEW).]

E. The price cap ILEC shall give advance notice in its monthly billing statement to each customer in a municipality listed in this subsection in which the obligation to provide provider of last resort service will be removed. That notice must include the following information:

(1) An existing customer will still be provided service for one year from the date on which the obligation to provide provider of last resort service is removed at the same rates, terms and conditions as the price cap ILEC provides to provider of last resort service customers to whom the price cap ILEC is obligated to provide provider of last resort service; and

(2) The date, time and location of the public meeting required under paragraph D (../35-A/title35-Asec7221.html), which will be hosted by the commission in the municipality. [PL 2015, c. 462, §3 (NEW).]

[PL 2015, c. 462, §3 (NEW).]

5. Relief of provider of last resort service obligation. After a price cap ILEC has been relieved of the obligation to provide provider of last resort service in all the municipalities listed in subsection 4 (../35-A/title35-Asec7221.html), the price cap ILEC may petition the commission under this subsection to be relieved of its provider of last resort service obligation in one or more additional municipalities.

A. The commission shall approve the petition if the commission finds:

(1) With respect to a municipality, that, pursuant to the following standards, there is sufficient competition in that municipality to ensure access to affordable telephone service by households in the municipality:

(a) In addition to the price cap ILEC, there is at least one wireline-facilities-based voice network service provider that offers service to at least 95% of the households in the municipality; and

(b) One or more mobile telecommunications services providers offer, on a combined basis, mobile telecommunications services to at least 97% of the households in the municipality; and

(2) The price cap ILEC prior to filing the petition has met service quality requirements under section 7225-A (../35-A/title35-Asec7225-A.html) in the immediately preceding 2 consecutive quarters. [PL 2015, c. 462, §3 (NEW).]

B. The commission shall establish by rule the sources of information and a methodology it will use to reasonably calculate the percentage of households served by wireline-facilities-based voice network service providers and mobile telecommunications services providers for purposes of making a determination under paragraph A (../35-A/title35-Asec7221.html). The commission may not require wireline-facilities-based voice network service providers and mobile telecommunications services providers to provide competitive information to the commission but may rely on other available sources for this information, including information available from the Federal Communications Commission. Competitive information about the extent of service provided by wireline-facilities-based voice network service providers and mobile telecommunications services providers used to make this determination is confidential and is not a public record under Title 1, section 402, subsection 3 (../1/title1sec402.html) and may not be disclosed to any person outside the commission. In developing the methodology under this paragraph, the commission may allow for

reasonable adjustments to the information it receives if it is aware that actual availability of competitive services differs from what is reflected in the information. If the application of the commission's methodology results in a finding that the standards in paragraph A, subparagraph (1) (../35-A/title35-Asec7221.html) have been met, there is a rebuttable presumption of sufficient competition in a municipality to ensure access to affordable telephone service by households in the municipality. [PL 2015, c. 462, §3 (NEW).]

C. Ninety days prior to filing a petition under this subsection, a price cap ILEC shall notify the commission and the Office of the Public Advocate of the price cap ILEC's intent to file a petition. The price cap ILEC shall also give advance notice of its intent to file a petition in its monthly billing statement to each customer in the municipality in which it will be seeking relief from the obligation to provide provider of last resort service.

The commission shall hold a public hearing in each affected municipality to allow customers of the price cap ILEC as well as other residents of the affected municipality to testify. The price cap ILEC shall give advance notice of the hearing to each customer in the municipality in its monthly billing statement and publish this notice in a newspaper of general circulation in that municipality. [PL 2015, c. 462, §3 (NEW).]

D. The commission shall issue an order granting or denying a petition within 180 days of receiving a petition under this subsection, except that the commission, at its discretion, may extend this period for up to an additional 30 days. [PL 2015, c. 462, §3 (NEW).]

E. For one year from the date the commission issues an order granting a price cap ILEC relief from the obligation to provide provider of last resort service in a municipality, the price cap ILEC shall continue to offer to each provider of last resort service customer in that municipality to whom it was providing the service on the date of that order a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service. [PL 2015, c. 462, §3 (NEW).]

For purposes of this subsection, "voice network service provider" has the same meaning as in section 7104 (../35-A/title35-Asec7104.html).

[PL 2015, c. 462, §3 (NEW).]

6. Abandonment. A price cap ILEC may not discontinue, reduce or impair the service that it provides in a municipality, or part of a municipality, where it has previously served as the provider of provider of last resort service unless the commission approves the discontinuance, reduction or impairment. The commission may approve the discontinuance, reduction or impairment only if it finds that neither the present nor future public convenience and necessity will be adversely affected by such discontinuance, reduction or impairment of service.

In granting its approval under this subsection, the commission may impose such terms, conditions or requirements as in its judgment are necessary to protect the public interest. A price cap ILEC abandoning all or part of its plant, property or system or discontinuing service pursuant to authority granted by the commission under this subsection is deemed to have waived all objections to the terms, conditions or requirements imposed by the commission in its approval. A discontinuance approved under this subsection is not subject to further approval under section 1104 (../35-A/title35-Asec1104.html).

[PL 2015, c. 462, §3 (NEW).]

7. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A (../5/title5ch375sec0.html).

[PL 2015, c. 462, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 623, Pt. A, §18 (NEW). PL 2015, c. 462, §3 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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HB 257 - AS INTRODUCED

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.

HB 257 - AS INTRODUCED

23-0386
10/05

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

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

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

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

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