
Committee Report

CONSENT CALENDAR

February 27, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 197,**

**AN ACT relative to consumer protections for telephone,
Internet, and cable service providers service
interruptions. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Fargo

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 197
Title:	relative to consumer protections for telephone, Internet, and cable service providers service interruptions.
Date:	February 27, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill, which would be an update to RSA 358-A:2 Regulation of Business Practices for Consumer Protection, would require cable television, internet or telephone service providers to provide prorated credits or rebates for a service interruption in excess of 72 hours. The committee found this bill unnecessary because the service providers testified that their current written policy is to provide credits to customers who inform them of any service interruption that is in excess of 24 hours.

Vote 18-0.

Rep. Kristina Fargo
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 197, relative to consumer protections for telephone, Internet, and cable service providers service interruptions. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill, which would be an update to RSA 358-A:2 Regulation of Business Practices for Consumer Protection, would require cable television, internet or telephone service providers to provide pro-rated credits or rebates for a service interruption in excess of 72 hours. The committee found this bill unnecessary because the service providers testified that their current written policy is to provide credits to customers who inform them of any service interruption that is in excess of 24 hours. **Vote 18-0.**

Stapler, Carol

From: Ed Butler <edofthenotch@gmail.com>
Sent: Tuesday, February 12, 2019 1:05 PM
To: Stapler, Carol
Subject: This is OK!! --- FW: Committee Report for HB 197
Attachments: HB 197 Committee Report.docx

Thanks,
Ed

Representative Ed Butler
Carroll County District 7 - includes the towns of Hart's Location, Bartlett, Jackson, Chatham, Conway, Eaton, Albany, Tamworth, Madison, Freedom and the unincorporated Hale's Location
Commerce Committee, Chair
986-4387 (cell)
374-6131 (home and inn)
he/him/his

From: Kristina Fargo <kristinafargo@gmail.com>
Sent: Monday, February 11, 2019 12:58 PM
To: Ed Butler <edofthenotch@gmail.com>; kermit.williams@leg.state.nh.us
Subject: Committee Report for HB 197

Enclosed is the committee report for HB 197. As this is my first, please let me know if it needs some work. I would be happy to fine tune it.

Thanks, Tina

Kristina Fargo
Commerce and Consumer Affairs
NH House of Representatives
Strafford County District 14, Dover
603-953-3561

HB 197 relative to consumer protections for telephone, Internet, and cable service provider's service interruptions. INEXPEDIENT TO LEGISLATE.

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill, which would be an update to RSA 358-A:2 Regulation of Business Practices for Consumer Protection, would require cable television, internet or telephone service providers to provide pro-rated credits or rebates for service interruption in excess of 72 hours. The committee found this bill unnecessary because the service providers testified that their current written policy is to provide credits to customers who inform them of any service interruption that is in excess of 24 hours.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 197

BILL TITLE: relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

DATE: February 6, 2019

LOB ROOM: 302

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Fargo

Seconded by Rep. Warden

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Rebecca McBeath, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 197

BILL TITLE: relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

DATE: 2-6-19

LOB ROOM: 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. Ferguson Seconded by Rep. Warden Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
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- ITL
- Retain (1st year)
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- Adoption of Amendment # (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion

Respectfully submitted: [Signature]
Rep Rebecca McBeath, Clerk



2019 SESSION

Commerce and Consumer Affairs

Bill #: 197 Motion: ITL AM #: _____ Exec Session Date: 2/6/19

	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman	✓		
Williams, Kermit R. Vice Chairman	✓		
Gidge, Kenneth N.			
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
Herbert, Christopher J.	✓		
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
Weston, Joyce	✓		
Hunt, John B.	✓		
Sanborn, Laurie J.	✓		
Osborne, Jason M.	✓		
Costable, Michael	✓		
Plumer, John R.			
Barnes, Arthur E.	✓		
Potucek, John M.	✓		
Warden, Mark	✓		
TOTAL VOTE:	18	0	

Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 197

BILL TITLE: relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

DATE: February 6, 2019

Subcommittee Members: Reps. Williams, Abel, Indruk, Costable and Warden

Comments and Recommendations:

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Rep. Indruk Seconded by Rep. Rep. Warden Vote: 6-0

Respectfully submitted,

Rep. Kermit Williams
Subcommittee Chairman

SUBCOMMITTEE WORK SESSION on HB 197

BILL TITLE: relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

DATE: 2-6-19

Subcommittee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Indruk Seconded by Rep. Warden AM Vote: 6-0

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 197

BILL TITLE: relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

DATE: January 15, 2019

LOB ROOM: 302

Time Public Hearing Called to Order: 2:00 pm

Time Adjourned: 3:40 pm

Committee Members: Reps. ~~Butler~~, ~~Williams~~, ~~McBeath~~, Gidge, ~~Abel~~, ~~Bartlett~~, ~~Herbert~~, ~~Van Houten~~, ~~Fargo~~, ~~Andruk~~, ~~Muscate~~, ~~Weston~~, ~~Hunt~~, Sanborn, ~~J. Osborne~~, Costable, Plumer, ~~Barnes~~, ~~Potucek~~ and ~~Warden~~

Bill Sponsors:

Rep. Spillane
Rep. Notter
Rep. Potucek

Rep. J. Osborne
Rep. Bershtein
Sen. Reagan

Rep. Baldasaro
Rep. S. Beaudoin

TESTIMONY

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

Rep. James Spillane, prime sponsor - This bill is a consumer protection bill from extended outages for services that is not metered ie – cable, telephone – you will not get credit for the days that you were without services. There is a window of 72 hours for the provider to fix the service before the supplier will be required to give a credit for how many days service was cut off. Definition of ‘interruptions of service’ – if the interruption of service begins again at each incidence of service outage.

Q: Rep. Kermit Williams - Who will enforce this?

A: Though the AG or the Sec. of States office would handle the customer complaint.

Q: Rep. Arthur Barnes - What is done in a situation where service of electricity was gone for weeks? When the supplier may not be able to reestablish service because there is no electricity?

A: I hope is a bill is that all providers will be encouraged to do all in their power to get the service back up as quickly as possible – like the electric company – the pulled in all sorts of extra technicians to restore power. This is an incentive for sub-suppliers to assist efforts to restore service.

Rep. Jason Osborne - How are outages going to be verified?

A: This will usually impact more than one consumer – they can co-operate each others outage.

Q: Rep. Christy Dolat Bartlett - When we are dealing with non-metered services it's a service that is not always in use. Why should supplier have to refund for

days when they might not have used the service? We pay for the month – and use of service varies.

A: I don't think consumers should pay for services that they cannot use.

Rep. John Hunt - These suppliers are not regulated. These suppliers have a lot of competition.

A: It was a "misnomer."

Q: Rep. Mark Warden - What is the purpose here? What if someone is out of town should they still get the reimbursement?

A: If there was an outage in the area then all consumers should get a refund.

Q: Any data to show how frequently a 72+ hour outage will occur?

A: No. In Deerfield it seems like it occurs every winter.

Rep. Tina Fargo - I think there should be a reason that the outage occurs – because if the outage occurs because it is beyond the suppliers control, then the consumer should not be getting a reimbursement.

A: This is for the situation where a massive outage and it is a known situation, and power companies are out there trying to rectify the situation, and the other suppliers are not doing anything to rectify the problem.

Q: Rep. Christopher Herbert - Any other states that have established?

Q: What if the reason the service is out is because there is no power.

Rep. Al Baldasaro – Supports. This bill is not about me – I can afford to have multiple suppliers of services. In my town, one of the fastest growing areas in the state. I just write the check for services I don't get – but what about others in the states that don't have the resources that Rep. Hunt and I have?

They don't have a choice. They have no were to got. I've got TVs in every room in my house. I've got Computers in every room in my house. I've got 7 children.

When the power goes out I've got generators – but that does not do anything for the cable and other services that are down.

Q: Rep. Christy Dolat Bartlett - I think the committee would like empirical data regarding how many outages there are a year and where they are.

A: I can call Donna and get that.

Q: Has the town talked to the supplier about this issue? The time it takes to restore services like Comcast?

A: Town can't do things in this state because it's a home rule state.

We've talked to them but they don't care. It's not a priority because they are still getting paid. Cable and Internet don't make them.

Q: So if elderly and disabled are taken to shelter if they don't have cable or Internet?

A: Yes. No. only taken to shelter if power outage.

Chair Butler closes comment on Rep Baldasaro.

***Chris Hodgden, Comcast** - Opposes.; see written testimony and graphic.

Comcast policy: trust the company that when they all us and tell us for the time they were out of service. It is our policy, that when a customer asked for a credit – we are trained to give a credit for at least ????

Broadband

Wired

Voice

Mobile

Full service video (MVPD's – satellite – distribute live video 0

Streaming

In response to incentive – there is every reason for us to. 100 contractors/business network efficiency and technical operation - restoring service when there is an outage. We do occasionally do see longer outages – caused usually by storms – have 400 techs in NH – Incident Command Center that allows us to bring in out of area techs to assist in restoring supply. Our service is highly susceptible to power – Power has got to be restored prior to we begin our work. Clearing Streets of debris Reestablishing power lines – must be done before we can access the damage to our networks. The orderly restoring of services is managed by the local authorities. We make a great effort to have generator and battery back up – building size backup – 6 in NH. In customer homes VOIP (voice over Internet protocol) and modems are able to have battery backup – Fed law requires 24-hour battery back up offered to customers. We provide this. The policy of having a customer reach out to us and let us know when they have had an outage of services. Because Comcast has limited visibility to what is going on beyond their hardware operating. Object of this bill because it seeks to put services in silos – phone, cable, Internet, mobile, hot spot – that just doesn't exist anymore – we are a multi service industry – advances in technology is making silo thinking non-existent. We are not a utility. We are a franchise – we are not exclusive providers – we have competitors. Consumer choice is not limited. I hope that you will conclude that this approach is not necessary.

Q: Chairman Butler - When customers ask for a rebate in services, that it be provided.

A: Yes, if it is asked for then we ???

Q: You live here in NH?

A: Mr. Hodgdon - Born in Raised in NH. Live in NH. You know that we are a rural state – many of us do not have access to multiple suppliers.

A: Yes. That is correct. Point taken.

Q: Rep. Williams - The main regulation of cable through franchising agreements between municipalities and the supplier company. Does the franchise agreement specify enough up time (measure of how much of the time that the service is available) to consumers?

A: I am not aware of that being part of franchising agreements.

Ellen Scarponi, Canterbury, NH Consolidated Communication - Next generation of broadband and wired services to NH. I would like to speak to the

misstatements made in testimony today. It is like penalties for a fault that are not there. Outages do not qualify as devious acts under the consumer protection act. We want our customers back in service back in service a.s.a.p. We generally reimburse customer for any outage over 24 hours. The level of competition is high in parts of the states – they use different wire networks. Telephone polls – Power on top. Then a space, then start with communication providers. Telephone is usually the last wire on the poll. We cannot do anything to address outages until the power is restored. Our constituents have the opportunity to call us and get a credit for lack of service. Testimony that people are being charged for services that they are not getting is just not true. Fiber is in all communities; I will provide my cards so that you have a life line into our company.

Q: Rep. Williams - Fiber is in every is community – but obviously it is not on every street.

A: You can have broadband over twisted copper – for Consolidated we have 94% of consumers covered. When you are talking about fiber – it is the backbone to our connections – but not all communities have it.

Q: So broadband is ???

A: Yes. And also we provide direct fiber services to hospitals

***Tim Wilkerson, VP and CEO, New England Cable and Telecommunication Assn.**– Oppose. We represent 95% of cable providers in the state. All other carriers will reimburse consumers for outage over 24 hours. Suppliers are invested in technicians – most outages are out of the control of suppliers. When there is an outage there is an orderly way that suppliers are able to restore supply. Must have green light from Power Company and roads clear. This state has created a vibrant marketplace and consumers have world-class service. It is not technology neutral – does not include wireless or satellite.

Q: Rep. Richard Abel - Why do you have problems with the bill since you are already doing this anyway?

A: This bill address other issues than the reimbursement of fees when there is an outage.

Chairman Butler - I appreciate your testimony, but I take exception to your phrase that “this is a solution in search of a problem.” This bill was brought because of concerns of NH citizens.

Kath Mullholand – Dir. Regulatory Innovation & Strategy, New Hampshire Public Utilities Commission - Gave no testimony, made herself available to answer questions.

Q: Chairman Butler - How does the Consumer Protection Act (CPA) govern the PUC? How can people be protected by the CPA?

A: Ms.Mullholand - The Public Utilities Commission (PUC) only retains jurisdiction over telephone service. As for how the PUC can help consumers, if a complaint is called in, we log that complaint; we direct them to the company and a

contact there. We will often help the consumer by calling the provider and get resolution. For those companies that we regulate our telephone # with a notice to consumers that they may contact us with complaints is required to be provided on their bills. We also have a website and allows consumers to put in a complaint through the website.

Q: Rep. Abel - Could you elaborate about the difference between the PUC and Consumer Protection Act.

A: I am not an attorney, I am only familiar with the CPA does not apply if there is application of the CPA.

Q: What is regulated by the PUC?

A: Utility/Power companies, some companies that have existed in the state for decades. There are newer companies like; Windstrem, Fiber tower, lightfiber—lightly regulated by PUC. Our primary interaction with the newer companies is that they must register with us. We also handle telephone # assignments, telephone poles, rights of way issues for them. Broadband and cable TV are not regulated by the PUC.

Rep. Jason Osborne makes public statement: He states that it is an error that his name ended up as a co-sponsor on this bill.

Blue sheet read: Pro, 4; Con, 1

Respectfully Submitted,



Rebecca McBeath, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 197

BILL TITLE: relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

DATE: 1-15-19

ROOM: 302

Time Public Hearing Called to Order: 12:00pm

Time Adjourned: 3:40pm

(please circle if present)

Committee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Bill Sponsors:

Rep. Spillane
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Rep. Bershtein
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TESTIMONY

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#1 Rep. James Spillane, Prime Sponsor (Rock #2)

#2 Al Baldasario Rock #5

* #3 Chris Hodgdon - Comcast VP

#4 Ellen Scarponi - Consolidated Communication

* #5 Tim Wilkerson - NE Cable & Telecommunication

#6 Kath Mullholand - NH Public Utilities
(Answer Questions only) Commission
Regulatory Innovation Strategy Director

* Written Testimony: Scott Brooks, President

#7 NH Telephone Assn

HB 197, relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

Rep. James Spillane Rock #2

Prime sponsor of bill

This bill is a Consumer protection from extended outages for services that is not metered ie - cable, telephone - you will not get credit for the days tht yo were without services.

There is a window of 72 hours for the provider to fix the service before the supplier will be require to give a credit for how man days service was cut off.

Definition of "interruptions of service" - if the intruption of service begins again at ech incidence of servage outage.

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Rep Osborne Question: How are outages going to be verified?

Answer Spillane: - This will usually impact more than one consumer - they can coaberate each others outage.

Rep. Dolat Bartlett Question: When we are dealing with non-metered services it's a service that is not always in use. Why should supplier have to refund for days when they might not have used the service? We pay for the month - and use of service varies.

Answer Spillane: I don't think consumers should pay for services that they can not use.

Rep Hunt Comment: These suppliers are not regulated. These suppliers have a lot of competition.

Rep. Spillane Answer: It was a "misnomer"

2

Rep. Warden Question: What is the purpose here? What if someone is out of town should they still get the reimbursement?

Rep James Spillane Answer – if there was an outage in the area then all consumer should get

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No. In Deerfield it seems like it occurs every winter.

Rep. Fargo: I think there should be a reason that the outage occurs – because if the outage occurs because it is beyond the suppliers control, then the consumer should not be getting a reimbursement.

Spillane Answer: This is for the situation where a massive outage and it is a known situation, and power companies are out there trying to rectify the situation, and the other suppliers are not doing anything to rectify the problem.

Rep Herbert Question: any other states that have established

Question: What if the reason the service is out is because there is no power.

#2 Witness Rep Baldasaro – Supports this bill

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I just write the check for services I don't get – but what about others in the states that don't have the resources that Rep Hunt and I have?

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#3 Chris Hodgen Comcast

Written testimony and graphic

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Butler Question: When customers ask for a rebate in services, that it be provided.

Answer: Yes – If it is asked for then we

Chair Butler Question: You live hear in NH?

Answer Hodgdon: Born in Raised in NH. Live in NH.

You know that we are a rural state – many of us do not have access to multiple suppliers

Answer: Yes. That is correct. Point taken.

Rep Williams Question: The main regulation of cable through franchising agreements between municipalities and the supplier company. Does the franchise agreement specify enough up time (measure of how much of the time that the service is available) to consumers?

Answer: I am not aware of that being part of franchising agreements.

#4 Ellen Scarponi, Canterbury, NH

Consolidated Communication

Next generation of broadband and wired services to NH

I would like to speak to the misstatements made in testimony today.

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Rep Williams Question: Fiber is in every community – but obviously it is not on every street.

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Rep Williams Question: So broadband is

Yes. And also we provide direct fiber services to hospitals

Witness #5 Tim Wilkerson, VP and CEO
New England Cable and Telecommunication Assn.
– Oppose this bill

We represent 95% of cable providers in the state.
All other carriers will reimburse consumers for outage over 24 hours.
Suppliers are invested in technicians – most outages are out of the control of suppliers
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Must have green light from Power Company and roads clear.

This state has created a vibrant marketplace and consumers have world-class service.

It is not technology neutral – does not include wireless or satellite.

Rep Abel Question: Why do you have problems with the bill since you are already doing this anyway?

Answer Wilkerson: This bill addresses other issues than the reimbursement of fees when there is an outage.

Chair Butler Comment: I appreciate your testimony, but I take exception to your phrase that “this is a solution in search of a problem.” This bill was brought because of concerns of NH citizens.

#6 Witness Kath Mullholand – Dir. Regulatory Innovation & Strategy
New Hampshire Public Utilities Commission

Witness gave no testimony, made herself available to answer questions

Chair Butler Question: How does the Consumer Protection Act (CPA) govern the PUC? How can people be protected by the CPA?

Answer Witness Mullholand: The Public Utilities Commission (PUC) only retains jurisdiction over telephone service. As for how the PUC can help consumers, if a complaint is called in, we log that complaint; we direct them to the company and a contact there. We will often help the consumer by calling the provider and get resolution.

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Rep Osborne makes public statement: He states that it is an error that his name ended up as a co-sponsor on this bill.

Chair requests the blue sheet read and adjourns the hearing at 3:40 pm

Testimony



#7 written testimony only

HB 197

1/15/19

Good Afternoon, Mr. Chairman and Esteemed Committee Members. I am Scott Brooks President of the New Hampshire Telephone Association (NHTA) which represents the interest of Incumbent Local Exchange Carriers (ILEC) in New Hampshire. NHTA represents TDS Telecom, who I also represent, as well as Consolidated Communications, Granite State Communications, Dunbarton Telephone Company, and Bretton Woods Telephone Company.

NHTA opposes HB 197 as our collective companies already give credits for service outages when the customer calls to report the outage. In reality, with the competitive environment we live in today, not all houses on a street have the same carrier so we do not know who is out of service unless they call in to their individual service provider to report the outage.

Finally, we work feverishly year-round to provide exceptional service for our customers and in the event of an outage, we remedy it as soon as we can. NHTA believes the decision of whether a business in a competitive environment chooses to credit its customers for an outage or some other event is a business decision and should not be dictated by law.

Again, NHTA is opposed to the bill as written.

Best regards,

Scott A. Brooks

Scott A. Brooks

President – NHTA

Manager – State Government Affairs - TDS

#3 HB 197
Chris Hodgdon



**Testimony of Chris Hodgdon, Vice President Government Relations
Commerce and Consumer Affairs Committee
HB 197 - Relative to consumer protections for telephone, Internet, and cable
service providers service interruptions**

January, 15 2019

Chairman Butler and distinguished members of the Committee; thank you for the opportunity to offer comments in opposition to HB 197. My name is Chris Hodgdon I am Comcast's Vice President of Government Affairs and in addition to my public policy role I am the liaison with New Hampshire's Emergency Operations Center in the event that the state's emergency response system is active.

HB 197 proposes to require some but not all competitors in the communications industry to offer automatic credits for service interruptions. Comcast's current policy, for all services, is to issue a credit should the customer request one. This policy offers the proper approach while reflecting the limitations of network intelligence and the dependence of modern communications networks on power provided by electric utilities.

Comcast is committed to restoring service as quickly and safely as possible following an outage. We are highly focused on serving our customers and everyone impacted by outages even when they can't receive services at home because of that outage or event. For example Comcast will open its Wi-Fi network to customers and non-customers to ensure that they can access the internet through any connected device. In New Hampshire over 18,000 WI-FI hotspots are in outdoor or business locations, they can be found through the Xfinity Wi-Fi hotspot app. For example, during winter storms in January and March of last year the New Hampshire network was opened for everyone to use and during the recent evacuations caused by natural gas explosions thousands of people continued to access services although their service was interrupted at their homes and businesses.

I would submit to you that HB 197 is not necessary for the following reasons:

1. **Network reliability and resiliency are critical focus areas for any provider hoping to successfully serve customers in today's competitive environment.** Comcast operates a local Network Operations Center which integrates network health with technical operations and customer care 24/7 365 days a year. In New Hampshire alone we employ over 400 technicians and

network engineers to serve customers and have more than a hundred more external business partners available to respond to service issues. In the event of a major outage, typically caused by a storm, we operate under an incident command structure which streamlines and speeds network recovery and have pre assigned teams who are able to travel in to New Hampshire from away to assist in recovery.

2. **Communications networks are dependent on commercial power which is highly impacted by weather.** Every day Comcast provides more than 325,000 New Hampshire homes and businesses with Broadband, Voice including both wired and mobile, Video, Security and Automation services. The network is built on a fiber optic and co-axial cable architecture which cannot function without power. Additionally, consumer's electronic devices cannot function without power. All providers work in close coordination with each other in challenging and dangerous conditions. Restoration of power and the clearing of streets of debris always comes first, communications companies should and must wait for that work to be safely completed. This effort can and often does require hours or even days and is beyond the control of the communications company.
3. **Comcast has built and maintains a highly dependable and resilient network, investing in generator and battery backup power to improve network resiliency.** Outages are unavoidable, weather, vehicle strikes, equipment failures and damage caused by construction and other activity will result in service interruptions. Comcast's objective is to recover as quickly as possible and one way that we recover is generator and battery back-up which instantly replaces electric utility provided power when it fails.

All services originate at a Comcast head-end of which Comcast has several in New Hampshire. These are building sized facilities where the fiber optic network originates. Each of these facilities has battery and generator back up allowing it to function for sustained periods without commercial power. From the head-end facilities the fiber optic network carries information in the form of light signals to a node at or near the customer's location. Every node, of which Comcast has thousands in NH, is connected to the commercial power grid by a power supply. The node converts light signals into radio frequency signals which then travel over co-axial cable to the nearby customer. In the event that the node loses power all of Comcast's power supplies contain batteries and can be powered by portable generators. During an outage Comcast deploys these portable generators to ensure that these facilities are powered, nearly 600 of these generators are locally available. At the customer's location, equipment such as voice and broadband modems require commercial power and are capable of battery back up as a means of maintaining service when power is lost.

All of these investments have been made to ensure that service is available.

There will be situations when no electronic device such as TV, computer or phone is functioning at a customer's location because power is out. Still, Comcast is highly focused on maintaining battery or generator back up throughout its network because maintaining power to the network improves resiliency and speeds restoration of services.

- 4. The current policy of trusting the customer and providing a credit upon request is the best solution.** Despite advances in network visibility there continue to be limits to provider's awareness of interruptions, particularly at the customer level. For example, the use of home generators has exploded allowing customers to continue to power their home and receive services. It is very common for the electric utility power circuit serving the network to be a different circuit than the circuit serving the customer location. If the latter but not the former is down the provider may have very little visibility into the customer's experience. Customer use of devices such as wireless handsets for their voice service and Wi-Fi routers for their in-home broadband service are ubiquitous and only function when commercial power is present. Their use and the delivery of power to feed them is beyond the control of the communications provider.

Lastly, distinctions that seek to silo one provider as one type of company or define a service in the context of where the service is delivered is increasingly difficult. This is especially true in legislation like HB 197. Our video customers receive a service at home on their TV or connected device. But they also receive as part of that service XfinityStream which allows them to stream content on the go, they have access to cloud DVR services which are available anywhere. Our Voice customers can download an app and receive and make phone calls through their home phone number on any connected device anywhere. As I mentioned above a Broadband customer has access to our Wi-Fi hotspots at millions of locations around the country. We strive to offer our services wherever and whenever customers want them regardless of whether they are at home.

Thank you for the opportunity to address the Committee regarding this legislation. Interruptions and outages are disruptive and certainly effect the customer experience which is why our policy is to trust the customer, if they contact us and request a credit we empower our customer care employees to provide that credit. New legislation is not needed we would ask you to recommend this legislation ITL.

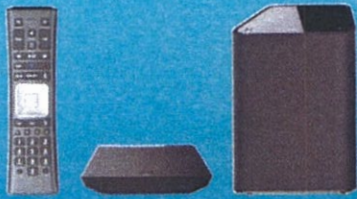
Thank you for your attention, I would be pleased to address any questions that the committee may have.

Chris Hodgdon
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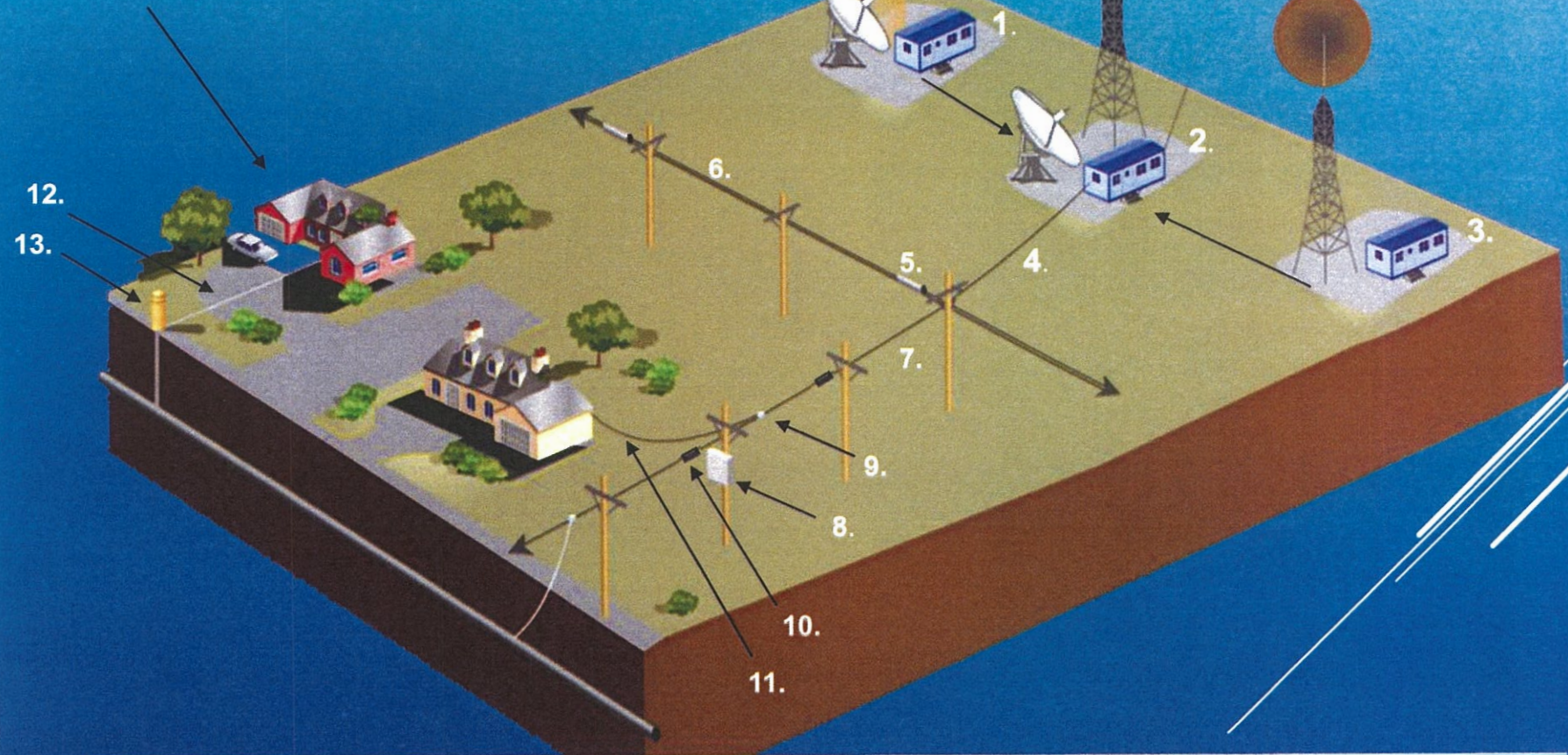
COMCAST NETWORK

Satellite

1. DCRF
2. Headend
3. Local Production
4. Fiber
5. Node
6. Fiber
7. Coax Hardline
8. Power Supply
9. Tap
10. Amplifier
11. Aerial Drop
12. Underground Drop
13. Pedestal



CPE
Customer Premise
Equipment



7618H
#3



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New England Cable & Telecommunications Association, Inc.

NECTA Testimony in Opposition to HB 197 – Relative to consumer protections for telephone, Internet, and cable service providers service interruptions

January 15, 2019

Good afternoon, Chairman Butler and esteemed members of the Committee. My name is Tim Wilkerson, and I am Vice President and General Counsel for the New England Cable and Telecommunications Association (NECTA).

I. Introduction.

NECTA is a five-state regional trade association representing substantially all private cable telecommunications companies in New Hampshire, Connecticut, Massachusetts, Rhode Island and Vermont. For more than four decades, NECTA has represented the interest of the cable telecommunications industry before state and federal regulatory agencies, in the Legislatures, the Courts, and before the United States Congress. In New Hampshire, NECTA represents Atlantic Broadband, Charter, and Comcast.

II. HB 197 is unnecessary

I am testifying today to describe for this committee our members’ current consumer policies for service outages, the realities and dangers of service restoration, and why legislative action for service disruptions is unnecessary.

1. Today, our members’ New Hampshire customers enjoy fair and thoughtfully applied rebate policies for extended service interruptions. Any customer requesting reimbursement for an outage lasting 24 hours or more will receive a pro rata credit or rebate. Because there are limitations on a provider’s visibility into the customer’s experience due to the use of privately owned electricity sources, such as generators, or reliance on devices that can’t operate without commercial power our members rely on customers to request a credit. NECTA respectfully suggests that this legislation is unnecessary because of this pro-consumer policy offered by our members to their New Hampshire customers.
2. The reliability of our customer’s broadband network infrastructure is our members’ top priority. Central to their reliability plan is mitigating or repairing any service interruptions in an expedited manner. In New Hampshire, our members employ hundreds of technicians and invest significant dollars in equipment to first, temporarily maintain network viability and then to fully restore networks after storms or unforeseen disruptions.
3. Network outages and the timing of their repair and restoration occur in challenging environments which are most often outside the control of the broadband provider. Storms, motor vehicle or

construction accidents, downed tree limbs and other unforeseen incidents resulting in service interruptions impact utility poles, electrical lines, and other vital infrastructure that is not owned or maintained by the NECTA companies. Paramount among these factors beyond the NECTA members' control is the loss of power and power restoration. Each fiber optic and co-axial cable broadband network is powered by electricity. Another challenge outside of our member's control is tree trimming. Tree trimming is an ongoing challenge for utility companies and policy makers. Electric outages increase due to tree limbs that cross or are near power and lines and those situations often negatively impact broadband communications services.

4. The safety of our technicians is critical and their safety along with the timing of network restoration are interwoven. Therefore, restoration of our members' services—particularly in a major storm event— is subject to the safe clearance of roadways and the approval of pole owners to access poles and start repairs. Our members cannot send their technicians onto utility poles without guarantees from the electric distribution companies that downed wires have been secured and that electricity is operating normally. Worker safety is also often impacted by the lack of tree trimming near power and broadband lines.

5. It is important to note that HB 197 is not technology neutral in the context of New Hampshire's competitive telecommunications marketplace. New Hampshire policy makers have worked diligently over many years to promote a competitive telecommunications market, across all technologies. This bill diverges from that approach and philosophy because incumbent local exchange carriers (ILECs) would not fall within the mandates of this legislation. Furthermore, it is unclear whether wireless providers are subject to this bill. Regardless of what telecommunications companies may or may not be included in the authority proposed by this legislation, NECTA is in no way advocating for their inclusion. To the contrary, NECTA supports a technology neutral competitive market in New Hampshire. To that end, we believe that HB 197 is unnecessary and reliance on the industry's existing pro-consumer practices to refund or credit customers for service outages should continue.

For all the above reasons, we respectfully oppose HB 197.

Respectfully submitted,

Dated: January 15, 2019

Timothy O. Wilkerson
Vice President & General Counsel

Bill as
Introduced

HB 197 - AS INTRODUCED

2019 SESSION

19-0189
10/08

HOUSE BILL **197**

AN ACT relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

SPONSORS: Rep. Spillane, Rock. 2; Rep. J. Osborne, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Notter, Hills. 21; Rep. Bershtein, Rock. 2; Rep. S. Beaudoin, Straf. 9; Rep. Potucek, Rock. 6; Sen. Reagan, Dist 17

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill adds the failure of telephone, Internet, and cable television service providers to credit or rebate charges after an interruption of service of over 72 hours to the consumer protection act.

.....

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to consumer protections for telephone, Internet, and cable service providers service interruptions.

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

- 1 1 New Paragraph; Consumer Protection; Interruption of Service; Cable Television, Internet or
2 Telephone. Amend RSA 358-A:2 by inserting after paragraph XVII the following new paragraph:
3 XVIII. Failure to provide customer pro-rated credits or rebates for interruptions of service
4 of more than 72 hours of:
5 (a) Telephone service which is not an incumbent local exchange carrier as defined in
6 RSA 362:7;
7 (b) Voice-over-Internet-protocols service or IP-enabled communications service;
8 (c) Broadband Internet service from cable, DSL, satellite or other Internet service
9 provider (ISP);
10 (d) Cable television, except as provided for in RSA 53-C:3-c.
11 2 Effective Date. This act shall take effect 60 days after its passage.