

SB 120 - AS INTRODUCED

2017 SESSION

17-0848

06/04

SENATE BILL            **120**

AN ACT                    relative to the authority of the public utilities commission to regulate telecommunications service providers.

SPONSORS:            Sen. Soucy, Dist 18

COMMITTEE:          Energy and Natural Resources

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ANALYSIS

This bill permits the public utilities commission to regulate certain incumbent local exchange carriers.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Seventeen*

AN ACT                    relative to the authority of the public utilities commission to regulate telecommunications service providers.

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

1            1 Findings. The general court finds that:

2            I. Access to reliable telecommunications services is critical to the orderly growth of  
3 New Hampshire's economy.

4            II. The reliability of public safety communications systems, including enhanced 911 services  
5 and police, fire, and emergency medical services dispatch systems depends upon landline telephone  
6 infrastructure owned and operated by an excepted local exchange carrier, as defined in RSA 362:7.

7            III. The health, safety, and welfare of the people of the state of New Hampshire require  
8 that there be a sound system for the service and maintenance of landline telecommunications  
9 infrastructure.

10           IV. The dependability of New Hampshire's landline telecommunications infrastructure is  
11 dependent upon the technical, financial, and managerial ability of the excepted local exchange  
12 carrier that owns and operates such infrastructure.

13           V. Whereas the bankruptcy or financial instability of an excepted local exchange carrier  
14 could result in the failure of critical communications systems, causing economic disruption and  
15 putting public health and safety at risk, it is in the public interest for the state of New Hampshire  
16 to take steps to protect these critical communications systems in the event of bankruptcy or  
17 financial instability.

18           2 Public Utilities; Obligations on Excepted Local Exchange Carriers. Amend RSA 362:8, IV to  
19 read as follows:

20           IV. Such obligations that arise under RSA 374:22-p and RSA 374:30, II[-]; **or**

21           ***V. Such obligations that arise under RSA 374:1, II.***

22           3 General Public Utility Duty; Service. Amend RSA 374:1 to read as follows:

23           374:1 Service.

24           ***I.*** Every public utility shall furnish such service and facilities as shall be reasonably safe  
25 and adequate and in all other respects just and reasonable.

26           ***II. Notwithstanding the exception in RSA 374:1-a, incumbent local exchange***  
27 ***carriers that are excepted local exchange carriers shall provide services and facilities to***  
28 ***police, fire, emergency medical services, enhanced 911, and any other communication***  
29 ***system necessary for the protection of public health and safety, that are reasonably safe***  
30 ***and adequate, and shall also provide basic service of a usable quality without***

1 *unreasonable interruption. Notwithstanding the exceptions in RSA 365:1-a, the*  
2 *commission may conduct investigations of, pursue enforcement actions against, and order*  
3 *the payment of reparations and the performance of other remedial measures by, any*  
4 *incumbent local exchange carrier that is an excepted local exchange carrier with respect*  
5 *to the incumbent local exchange carriers' failure to comply with its obligations under this*  
6 *paragraph, to the full extent of the commission's authority under RSA 365.*

7       4 Effective Date. This act shall take effect 60 days after its passage.