§102. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Commission. "Commission" means the Public Utilities Commission.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

1-A. Abutting property. "Abutting property" means, with respect to a parcel of land, another parcel of land that shares a common property boundary, except that "abutting property" does not include a parcel of land separated from another parcel by a public road or highway.
[PL 2019, c. 205, §1 (NEW).]

2. Commissioner. "Commissioner" means one of the members of the Public Utilities Commission.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

2-A. Competitive service provider.
[PL 2021, c. 659, §1 (RP).]

2-B. Competitive electricity provider. "Competitive electricity provider" has the same meaning as in section 3201, subsection 5.
[PL 2021, c. 659, §2 (NEW).]

3. Corporation. "Corporation" includes municipal and quasi-municipal corporations.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Customer. "Customer" includes any person, government or governmental division which has applied for, been accepted and is currently receiving service from a public utility.
[PL 1987, c. 628, §1 (RPR).]

4-A. Dark fiber provider. "Dark fiber provider" means a person, its lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating or managing federally supported dark fiber that:

A. Offers its federally supported dark fiber on an open-access basis without unreasonable discrimination as confirmed in a schedule of rates, terms and conditions filed for informational purposes with the commission; [PL 2009, c. 612, §1 (NEW).]

B. Is required to conduct its business subject to restrictions established and enforced by the Federal Government pursuant to Title VI of the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009) and to grant security interests to the Federal Government under that Act; and [PL 2009, c. 612, §1 (NEW).]

C. Does not transmit communications for compensation inside this State. [PL 2009, c. 612, §1 (NEW).]
[PL 2009, c. 612, §1 (NEW).]

4-B. Federally supported dark fiber. "Federally supported dark fiber" means one or more strands within a bundle of fiber-optic cable through which an associated light signal or light communication transmission must be provided to provide communications service, but excluding the electronic equipment required in order to render the fiber capable of transmitting communications, the construction of which is financed in whole or in part with funds provided by a grant awarded before January 1, 2010 by the United States Department of Commerce, National Telecommunications and Information Administration pursuant to the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009).
[PL 2009, c. 612, §2 (NEW).]

4-C. Door-to-door sales. "Door-to-door sales" means the practice by which a representative of a competitive electricity provider, including a 3rd-party sales agent, solicits or sells electric services to residential or small commercial consumers by means of personal visits to consumers at locations other than the representative's place of business. "Door-to-door sales" does not include sales conducted entirely by mail, telephone or other electronic means; sales conducted during a scheduled appointment at a consumer's residence or place of business; or sales conducted following an initial contact that was solicited by the consumer.
[PL 2021, c. 108, §1 (NEW).]

5. Electric utility.
[PL 1999, c. 398, Pt. A, §4 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

6. Electric plant.
[PL 1999, c. 398, Pt. A, §5 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

6-A. Excluded electric plant.
[PL 1999, c. 398, Pt. A, §6 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

6-B. Federal interconnection rights and obligations. "Federal interconnection rights and obligations" means the rights and obligations of a telecommunications entity under 47 United States Code, Sections 251 and 252 or any other provision of federal law or regulation governing telecommunications network facility interconnection or wholesale access rights and obligations to the extent the rights and obligations under the federal law or regulation may be regulated or overseen by the commission.
[PL 2011, c. 623, Pt. A, §1 (NEW).]

7. Ferry. "Ferry" includes every person, its lessees, trustees, receivers or trustees appointed by any court owning, controlling, operating or managing any vessel and which is subject to commission's jurisdiction under chapter 51.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

7-A. Gas marketer. "Gas marketer" means an entity that sells natural gas to retail consumers in the State.
[PL 1999, c. 143, §1 (NEW).]

8. Gas utility. "Gas utility" includes every person, that person's lessees, trustees, receivers or trustees appointed by any court owning, controlling, operating or managing any gas plant for compensation within this State, except when gas is made or produced on and distributed by the maker or producer through private property alone solely for its own tenants and not for sale to others, or when the gas is sold solely for use in vehicles fueled by natural gas or to a liquid gas system that serves fewer than 10 customers as long as no portion of the liquid gas system is located in a public place or that serves a single customer if the liquid gas system is located entirely on the customer's premises. "Gas utility" does not include a gas marketer whose business in the State is restricted to selling natural gas to retail consumers and who does not provide natural gas transmission or distribution service.
[PL 1999, c. 718, §14 (AMD).]

9. Gas plant. "Gas plant" includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas for light, heat or power.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

9-A. Mobile telecommunications services. "Mobile telecommunications services" means telecommunications services licensed by the Federal Communications Commission for mobile use.
[PL 1991, c. 342, §1 (NEW).]

9-B. Incumbent local exchange carrier. "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that on February 8, 1996 provided telephone exchange service in the area and:

A. On February 8, 1996 was deemed to be a member of the exchange carrier association pursuant to 47 Code of Federal Regulations, Section 69.601(b); or [PL 2011, c. 623, Pt. A, §2 (NEW).]

B. Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in paragraph A. [PL 2011, c. 623, Pt. A, §2 (NEW).]

[PL 2011, c. 623, Pt. A, §2 (NEW).]

9-C. Interconnected voice over Internet protocol service. "Interconnected voice over Internet protocol service" means a service that enables real-time, 2-way voice communications; requires a broadband connection from the user's location; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

[PL 2011, c. 623, Pt. A, §2 (NEW).]

9-D. Interexchange carrier. "Interexchange carrier" means any person, association, corporation or other entity that provides intrastate interexchange telecommunications services, including a local exchange carrier that provides interexchange service.

[PL 2011, c. 623, Pt. A, §2 (NEW).]

9-E. Local exchange carrier. "Local exchange carrier" means any person that is engaged in the provision of telephone exchange service or exchange access. "Local exchange carrier" does not include a person insofar as that person is engaged in the provision of a commercial mobile service under 47 United States Code, Section 332(c), unless the commission by rule determines that the Federal Communications Commission includes such service in the definition of the term. "Local exchange carrier" does not include a person insofar as that person is engaged in the provision of interconnected voice over Internet protocol service unless the person is providing provider of last resort service. "Local exchange carrier" does not include a person insofar as the person is a dark fiber provider.

[PL 2011, c. 623, Pt. A, §2 (NEW).]

10. Natural gas pipeline utility. "Natural gas pipeline utility" includes every person, its lessees, trustees, receivers or trustees appointed by any court owning or operating for compensation within this State any pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of natural gas, or any person or corporation which has applied to the Federal Energy Regulatory Commission for a certificate of public convenience and necessity or to the Public Utilities Commission for a certificate of authorization to operate a natural gas pipeline within the State.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

11. Person. "Person" includes a corporation, partnership, limited partnership, limited liability company, limited liability partnership, association, trust, estate, any other legal entity or natural person.

[PL 1997, c. 707, §1 (AMD).]

11-A. Provider of last resort service. "Provider of last resort service" has the same meaning as in section 7201.

[PL 2011, c. 623, Pt. A, §3 (NEW).]

12. Public heating utility.

[PL 1999, c. 579, §2 (RP).]

12-A. Public switched telephone network. "Public switched telephone network" means the network of equipment, lines and controls assembled to establish communication paths between calling and called parties in North America.

[PL 2011, c. 623, Pt. A, §4 (NEW).]

12-B. Public safety facility. "Public safety facility" has the same meaning as in Title 30-A, section 5222, subsection 14-A.
[PL 2021, c. 586, §1 (NEW).]

13. Public utility. "Public utility" includes every gas utility, natural gas pipeline utility, transmission and distribution utility, telephone utility, water utility and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area.

Nothing in this subsection precludes:

A. The jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature; [PL 1991, c. 342, §2 (RPR).]

B. The commission's jurisdiction and control over and regulation of a public utility that provides, in addition to other services, radio paging service or mobile telecommunications services; [PL 1991, c. 342, §2 (RPR).]

C. The commission's jurisdiction and control over and regulation of basic exchange telephone service offered by a provider of mobile telecommunications services if, after investigation and hearing, the commission determines that the provider is engaged in the provision of basic exchange telephone service; and [PL 1991, c. 342, §2 (RPR).]

D. Negotiations for, or negates agreements or arrangements existing on the effective date of this paragraph relating to, rates, terms and conditions for interconnection provided by a telephone utility to a company providing radio paging or mobile telecommunications services. [PL 1991, c. 342, §2 (RPR).]
[PL 2019, c. 298, §1 (AMD).]

14. Radio common carrier. "Radio common carrier" means an entity that provides communications services primarily by use of radio or other wireless means.
[PL 1991, c. 342, §3 (AMD).]

15. Radio paging service. "Radio paging service" is a service provided by a communication common carrier engaged in rendering signaling communication. Signaling communication is one-way communication from a base station to a mobile or fixed receiver, or to multipoint mobile or fixed receivers by audible or subaudible means, for the purpose of activating a signaling device in the receiver or communicating information to the receiver, whether or not the information is to be retained in record form. It is limited to the following types of communications.

A. An optical readout paging service is one which communicates a message to a receiver which displays the message on an optical or tactile readout, either in a permanent form or a temporary form. [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. A tone only paging service is one which activates an aural, visual or tactile signaling device when received. [PL 1987, c. 141, Pt. A, §6 (NEW).]

C. A tone-voice paging service is one which transmits tone to activate a signaling device and audio circuit in the addressed receiver, following which a voice-grade signal is transmitted, to be amplified by the audio circuit. [PL 1987, c. 141, Pt. A, §6 (NEW).]
[PL 1987, c. 141, Pt. A, §6 (NEW).]

16. Rate design stability. "Rate design stability" means the implementation of interclass cost allocation or intraclass rate design changes to any existing customer class, of the magnitude or on such a schedule as to not be seriously adverse to the existing class of customers.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

16-A. Self generation. "Self generation" means the generation of electricity for the use of an entity that owns, leases, operates, controls or manages, in whole or in part, generation assets, as defined in section 3201, subsection 10, provided that the electricity is not transmitted over transmission and distribution plant, as defined in subsection 20-A.
[PL 1999, c. 398, Pt. A, §8 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

17. Telegraph utility.
[PL 1995, c. 225, §3 (RP).]

18. Telegraph line.
[PL 1995, c. 225, §3 (RP).]

18-A. Telephone service. "Telephone service" is the offering of a service that transmits communications by telephone, whether the communications are accomplished with or without the use of transmission wires.
[PL 2003, c. 153, §2 (NEW).]

18-B. Telephone exchange service. "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by an exchange service charge, or comparable service provided through a system of switches, transmission equipment or other facilities, or combination thereof, by which a subscriber can originate and terminate a telecommunications service.
[PL 2011, c. 623, Pt. A, §5 (NEW).]

19. Telephone utility. "Telephone utility" includes every person, its lessees, trustees, receivers or trustees appointed by any court, that provides telephone service for compensation inside this State. "Telephone utility" also includes a dark fiber provider. "Telephone utility" does not include any person or entity that is excluded from the definition of "public utility" as defined in subsection 13, subject to the provisions of subsection 13, paragraphs A to C.
[PL 2009, c. 612, §3 (AMD).]

19-A. Third-party sales agent. "Third-party sales agent" means a person or entity that has a business relationship with a competitive electricity provider in which the person or entity conducts or arranges to conduct residential or small commercial consumer sales of electricity to the public at retail on behalf of the competitive electricity provider through door-to-door sales. "Third-party sales agent" does not include an employee of a competitive electricity provider.
[PL 2021, c. 108, §2 (NEW).]

20. Telephone line.
[PL 2003, c. 153, §3 (RP).]

20-A. Transmission and distribution plant. "Transmission and distribution plant" means all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the transmission, distribution or delivery of electricity for light, heat or power for public use and includes all conduits, ducts and other devices, materials, apparatus and property for containing, holding or carrying conductors used, or to be used, for the transmission or distribution of electricity for light, heat or power for public use.
[PL 1999, c. 398, Pt. A, §9 (NEW); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

20-B. Transmission and distribution utility. "Transmission and distribution utility" means a person, its lessees, trustees or receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for the use of:

A. The entity; [PL 2019, c. 205, §2 (NEW).]

B. The entity's tenants; [PL 2025, c. 85, §1 (AMD).]

C. Commercial or industrial consumers located on the property where the entity is located or on abutting property; or [PL 2025, c. 85, §2 (RPR).]

D. Commercial or industrial consumers located on a commercial or industrial site within the control area of the New England independent system operator and located in a municipality north of the Town of Chester that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018. The exception under this paragraph does not apply if more than 25% of the nameplate capacity of the entity is used to serve data centers located on the commercial or industrial site. For the purposes of this paragraph, "data center" means any facility in the State, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment. [PL 2025, c. 85, §3 (NEW).]

[PL 2025, c. 85, §§1-3 (AMD).]

21. Vessel. "Vessel" includes every boat which is owned, controlled, operated or managed for public use in the transportation of persons or property for compensation within this State.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

21-A. Voice service provider. "Voice service provider" means any person providing, directly or indirectly, 2-way voice communications service for compensation in this State. "Voice service provider" does not include a dark fiber provider.
[PL 2011, c. 623, Pt. A, §6 (NEW).]

22. Water utility. "Water utility" includes every person, its lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating or managing any water works for compensation within this State, including any aqueduct organized under former Title 35, chapter 261 and any of its predecessors.
[PL 1987, c. 490, Pt. C, §2 (AMD).]

23. Water works. "Water works" includes all reservoirs, tunnels, shafts, dams, dikes, head gates, pipes, flumes, canals, structures and appliances, and all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for municipal and domestic use.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

24. Wholesale competitive local exchange carrier. "Wholesale competitive local exchange carrier" means a local exchange carrier, other than an incumbent local exchange carrier, that provides a wholesale telecommunications service but does not provide telephone exchange service to a retail subscriber.
[PL 2011, c. 623, Pt. A, §7 (NEW).]

REVISOR'S NOTE: (Subsection 24 as enacted by PL 2011, c. 590, §1 is REALLOCATED TO TITLE 35-A, SECTION 102, SUBSECTION 25)

25. (REALLOCATED FROM T. 35-A, §102, sub-§24) Zero-based budgeting. "Zero-based budgeting" means a method of budgeting in which programs and activities are justified for a budgetary period using cost-benefit analysis without regard to the amount that was budgeted for those programs and activities in a prior budgetary period.
[PL 2011, c. 590, §1 (NEW); RR 2011, c. 2, §37 (RAL).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 490, §C2 (AMD). PL 1987, c. 613, §1 (AMD). PL 1987, c. 628, §1 (AMD). PL 1991, c. 342, §§1-3 (AMD). PL 1993, c. 178, §1 (AMD). PL 1995, c. 225, §§2,3 (AMD). PL 1997, c. 707, §1 (AMD). PL 1997, c. 710, §§1-3 (AMD). PL 1997, c. 710, §10 (AFF). PL 1999, c. 143, §§1,2 (AMD). PL 1999, c. 398, §§A3-9 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 1999, c. 579, §§2,3 (AMD). PL 1999, c. 718, §14 (AMD). PL 2003, c. 153, §§1-3 (AMD). PL 2009, c. 539, §1 (AMD). PL 2009, c. 612, §§1-3 (AMD). RR 2011, c. 2, §37 (COR). PL 2011, c. 590, §1 (AMD). PL 2011, c. 623, Pt. A, §§1-7 (AMD). PL 2019, c. 205, §§1, 2 (AMD). PL 2019, c. 298, §1 (AMD). PL 2021, c. 108, §§1, 2 (AMD). PL 2021, c. 586, §1 (AMD). PL 2021, c. 659, §§1, 2 (AMD). PL 2025, c. 85, §§1-3 (AMD).

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