

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: March 12, 2008
AT (OFFICE): NHPUC



FROM: Josie Gage, Utility Analyst III

SUBJECT: Comcast Phone of New Hampshire, LLC CLEC Application for Registration and Request for Waiver of Puc 431.01(d)

TO: Commission
Debra Howland, Executive Director

Summary

Comcast Phone of New Hampshire, LLC (Comcast) filed form CLEC-10 Application for Registration on December 12, 2007 with Staff (as Dockets are no longer necessary). Comcast completed the required attachments to their application on January 22, 2008. Comcast's application is for registration to provide access, exchange access, and interexchange service in the following TDS Companies' (TDS) service areas: Andover, Antrim, Bennington, Boscawen, Chichester, Deering, Henniker, Hillsboro, Hopkinton, Loudon, New London, Salisbury, Wilmot, and Wilton.

At Staff's request, Comcast filed with the Commission a letter requesting waiver of Puc 431.01(d) on January 31, 2008. Also filed on January 31, 2008, was a letter from Frederick J. Coolbroth on behalf of TDS commenting on Comcast's letter. Mr. Coolbroth's letter states TDS, "[takes] no position on that request" (see attached). However, TDS did comment that the following three statements from Comcast's letter requesting waiver are, "premature and misleading".

- The TDS Telecom Companies "have waived the rural telephone company exemption."
- "...the TDS Telecom Companies can be treated as a non-exempt ILEC for purposes of Comcast Phone's application"
- "...there is no assertion before the Commission that any exemption applies."

Analysis

Having examined Comcast's application, Staff believes that it is complete and meets all administrative requirements. The application does not propose registration in the TDS rate center of Hollis, though the request for waiver letter suggests issuance of a CLEC authorization in this instance would authorize them as a CLEC in Hollis Telephone Company's exchange.

Mr. Coolbroth's letter responding to Comcast's request for waiver states, "In that settlement agreement, the TDS Telecom Companies have agreed to waive the rural exemption under 47 U.S.C. § 251(f)(1) and not to oppose Commission certification or registration of CLECs seeking to do business in their service territories." It goes on to also state, "that settlement has not yet been approved."

Staff believes that Mr. Coolbroth is correct in noting that the three Comcast statements referenced in his letter are premature, yet he did not contest Comcast's request for registration in TDS's service territory nor its request for a waiver.

Recommendation

Staff believes competition is necessary to serve the public good in the exchanges in question as implicit in direct testimony submitted by Josie Gage (Staff) and Pradip Chattopadhyay (Staff) in DT 07-027.

Staff recommends the Commission approve Comcast's CLEC-10 Application for Registration. However, in Staff's opinion, Comcast has not applied for registration in the Hollis Telephone Company's service area since it is not proposed on their application.