

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: May 20, 2013
AT (OFFICE): NHPUC

FROM: Kate Bailey *KB*
SUBJECT: Staff Report regarding NHOS Complaint in
DT 12-107
TO: Commission
Executive Director

On May 7, 2013, the Commission directed Staff to meet with NHOS and segTEL to explore the mechanics of resolving the remaining disputes in the instant docket and report back to the Commission by May 21, 2013. Staff scheduled a meeting on May 17, which was ultimately conducted by phone. Chris Carter and Rob Carmichael participated on behalf of NHOS, Greg Kennan and Jim Capuano participated on behalf of segTEL, and David Shulock, Michael Ladam and Kate Bailey conducted the meeting.

Both NHOS and segTEL reported they had reached an agreement in principle on all rate and access issues, including issues raised in Merrimack Superior Court, between the two. NHOS was to provide a first draft of a written agreement to segTEL on May 17 and the parties asked to be allowed to have until May 31, 2013, to execute a formal written agreement.

Before the Commission takes further action in this docket Staff recommends NHOS and segTEL be permitted to work out the terms of a settlement until May 31, 2013, under the following conditions with which both NHOS and segTEL have agreed:

5/24/13 NHOS and segTEL report to the Commission whether a settlement agreement is still on track or whether the parties are unlikely to reach a timely agreement.

5/31/13 NHOS and segTEL either file a notice of agreement or a joint recommendation on whether the Commission should proceed to resolve the issues between NHOS and segTEL through private arbitration, Staff arbitration or some other alternative resolution method.

6/3/13 If a settlement agreement is reached with segTEL, NHOS files a list of any remaining issues to be resolved in Docket No. DT 12-107.

If the Commission accepts this approach, no Commission action is necessary prior to June 3, 2013.