

June 2, 2008

VIA ELECTRONIC AND U.S. MAIL

Debra A Howland
Executive Director and Secretary
New Hampshire public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301



RE: Docket No. 07-027: Kearsarge Telephone Company, Wilton Telephone Company, Inc., Hollis Telephone Company, Inc. and Merrimack Telephone Company Petitions for Alternative Form of Regulation, Comcast Phone of New Hampshire, LLC's Response to TDS Companies' Motion for Partial Reconsideration of Order No. 24,852.

Dear Ms. Howland:

Comcast Phone of New Hampshire, LLC ("Comcast Phone") submits this letter in response to the Motion of Kearsarge Telephone Company and Merrimack County Telephone Company (together, "the TDS Companies") for Partial Reconsideration of Order No. 24,852.

Comcast Phone did not oppose the proposed Settlement Agreement by and among the TDS Companies, the Commission Staff, the Office of the Consumer Advocate and segTEL, Inc.,¹ and assented to the Staff motion to reopen the record in order to take administrative notice of the Comcast Phone CLEC-10 application to offer competitive services in the territory of the TDS Companies.² In their motion for partial reconsideration, the TDS Companies ask the Commission among other things to reconsider its denial of the motion to take administrative notice of Comcast Phone's CLEC-10 application.³ Comcast Phone does not oppose this motion provided, however, that the Commission also takes administrative notice of subsequent developments in Docket No. DT 08-013.

In fact, since the filing of Comcast Phone's CLEC-10 application, the TDS Companies and the New Hampshire Telephone Association have objected to the grant of authority to Comcast Phone to provide service in areas served by the TDS Companies and precipitated an adjudicative hearing that leaves the status of Comcast Phone's CLEC-10 application unresolved.

¹ Settlement Agreement Among The Joint Petitioners And Other Signatories (filed Dec. 3, 2008).

² See Order No. 24, 582 at 4, 23 (April 23, 2008).

³ *Kearsarge Telephone Company, Wilton Telephone Company, Inc., Hollis Telephone Company, Inc. and Merrimack Telephone Company Petitions for Alternative Form of Regulation, DT 07-027, Petitioners' Motion for Partial Reconsideration of Order No. 24,852, ¶ 6* (filed May 23, 2008) ("TDS Reconsideration Petition").

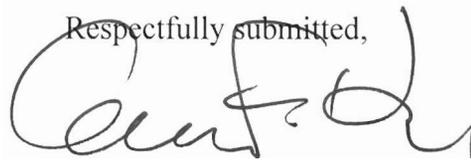
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More specifically, the Commission issued its Order *Nisi* dated April 4, 2008 granting Comcast Phone's application for authority in the service areas of TDS Companies. However, on April 16 and April 21, 2008, respectively the TDS Companies and their trade association the NHTA filed objections and, on May 2, 2008, the Commission issued an order suspending its Order *Nisi* and commencing an adjudicative proceeding. Both the TDS Companies and the NHTA as well as other parties have intervened in that proceeding. The proceeding remains pending. Hence, there is currently no "competition being developed in the service territory of KTC and MCT."⁴

Comcast Phone intervened in this proceeding simply to clarify the record as to the availability of its services within the service areas of the TDS Companies.⁵ Comcast Phone submits that, if the Commission takes administrative notice pursuant to the TDS Companies Motion for Partial Reconsideration, it must take notice of the entire proceeding in Docket 08-013, and not merely the filing of the CLEC-10 referenced in the original Staff motion as to which the TDS Companies seek reconsideration. Indeed, in its Order No. 24,852 for which the TDS Companies ask reconsideration, the Commission allowed that "[i]f the TDS Companies wish to supplement their testimony as to competitive alternatives . . . we will consider additional developments as part of our ongoing procedure on [petitions for the Kearsarge and Merrimack service territories]" and that "[a]t that time, other parties may also respond to the significance of the Comcast CLEC application." Without considering the "additional developments" in Docket 08-013, the record on reconsideration in this proceeding would not be complete.

Respectfully submitted,



Cameron F. Kerry

cc: Service List
Brian A. Rankin
Stacey A. Parker

⁴ Memorandum of Law in Support of Petitioners' Motion for Partial Reconsideration of Order No. 24,852, at p. 12 (filed May 23, 2008) ("TDS Reconsideration Petition").

⁵ Petition to Intervene of Comcast Phone of New Hampshire, LLC (filed Sept. 27, 2007).