

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
DT 14-102

William G. Whalen
Complaint Against FairPoint Communications, Inc. - Rate Increase Dispute

OBJECTION TO
NHLA PETITION TO INTERVENE

NOW COMES Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (“FairPoint”) and respectfully objects to the New Hampshire Legal Assistance (“NHLA”) Petition to Intervene. In support of this objection, FairPoint states as follows:

On March 24, 2014, the Consumer Affairs Division of the New Hampshire Public Utilities Commission (the “Commission”) accepted a complaint from William G. Whalen (“Whalen”). In his complaint, Whalen alleged that he had been subjected to arbitrary increases for basic service in violation of applicable statutes and Commission rules.

On April 15, 2014, the Commission issued an Order of Notice in which it scheduled a hearing to address Whalen’s complaint, including issues related to the statutory definition of telephone “basic service” under RSA 374:22-p, I (b)(1) as well as the annual caps applicable to basic service rate increases as set forth in RSA 374:22-p, VIII (b). Furthermore, the Order of Notice provided that parties seeking to intervene in the proceeding should do so on or before May 2, 2014 by petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding. On May 2, 2014, NHLA timely filed a Petition to Intervene on its own behalf. As grounds for intervention,

NHLA alleges that the Commission's resolution of the Whalen complaint "may have a systemic impact on the treatment of phone customers at the Commission," and may affect the affordability of services to FairPoint and other ILECs' customers.

Rule Puc 203.17 provides that "the commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32." RSA 541-A:32, I, provides that the presiding officer shall grant one or more petitions for intervention if, among other things:

(b) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

NHLA's petition fails on both prongs. In regard to the first prong, NHLA has not stated any facts identifying any "rights, duties, privileges, immunities or other substantial interests" affected by this proceeding. NHLA describes itself as "providing civil legal services to New Hampshire's poor," but it has failed to identify any specific clients who have retained NHLA to appear on their behalf. Furthermore, NHLA has failed to establish that it represents any user of FairPoint's basic service, or that it is itself even a FairPoint customer, let alone a user of basic service. NHLA has also failed to establish that it is in possession of any facts that are relevant to the Whalen complaint, and indeed has not alluded to any evidence at all. In other words, NHLA is acting as a self-appointed consumer advocate, and is seeking to appear *on its own behalf* in a proceeding in which prospective clients *may* have an interest.

Regarding the second prong, NHLA's intervention does not serve the interests of justice. NHLA alleges that its prospective clients *may* be "impacted" by this proceeding, but it has proffered no evidence to establish how its interests or those of its prospective clients are any

different from Whalen, who is entitled to his own counsel and must be presumed to be capably represented. NHLA's participation as an intervenor pursuing its own interests will be a distraction that will burden the parties with extraneous issues that will complicate the resolution of the straightforward issues presented by Whalen.

The Commission's rules provide an avenue for participation by parties whose interests are as vague as NHLA's. Rule Puc 203.18 provides that "[p]ersons who do not have intervenor status in a proceeding but having interest in the subject matter shall be provided with an opportunity at a hearing or prehearing conference to state their position." NHLA apparently has a position that it wants to assert; this rule allows it to state its position at the hearing without burdening the proceeding by adding it as an intervening party.

CONCLUSION

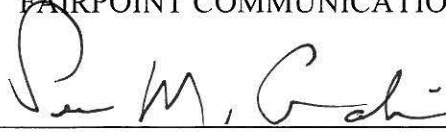
NHLA has provided no basis to establish that its rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding. NHLA's participation will only serve to interfere with the orderly and prompt conduct of this proceeding and will contribute nothing of relevance to the record that is not already known. The interests of justice will not be served by NHLA's participation. FairPoint respectfully requests that the Commission deny NHLA's Petition for Intervention.

Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC, D/B/A
FAIRPOINT COMMUNICATIONS-NNE

Dated: May 6, 2014

By:

A handwritten signature in dark ink, appearing to read "Sean M. Galvin", written over a horizontal line.

Sean M. Galvin
Assistant General Counsel
FairPoint Communications
1 Davis Farm Road
Portland, ME 04103
(207) 535-4177
sgalvin@fairpoint.com