

**STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION
DT 09-198**

**Request of segTEL, Inc. for Clarification and/or Modification
of the Order of Notice Dated June 11, 2010**

segTEL, Inc. (segTEL) hereby requests that the New Hampshire Public Utilities Commission (Commission) clarify and/or modify its Order of Notice dated June 11, 2010.

On June 11, 2010, the Commission issued an Order of Notice in Docket No DT 09-198. The Order of Notice, titled “**Petition to Rescind Authorization to Provide Local Exchange Service in All New Hampshire Exchanges,**” states:

“On October 15, 2009, Granite State Telephone, Inc., Dunbarton Telephone Company, Inc., Bretton Woods Telephone Company, Inc., and Dixville Telephone Company (together the Rural ILECs) filed with the New Hampshire Public Utilities Commission (Commission) a petition to rescind, or to declare null and void, the authorization issued on March 3, 2009, to segTEL, Inc. (segTEL) to provide local exchange service *in all New Hampshire telephone exchanges.*” [Emphasis added.]

segTEL respectfully submits that the Order of Notice misstates both the title and the request of the Rural ILECs petition. The effect of this misstatement is to make the scope of this docket overly broad and thus prejudicial to segTEL.

On October 15, 2009, the above-named Rural ILECs [identified in the Order of Notice as RLECs] petitioned this Commission for a “determination that the Form CLEC 10 registration purporting to authorize segTEL to engage in business as a telephone utility *within the service territories of the RLECs* be declared null and void or, in that such registration be rescinded” due to reasons stated in the Rural ILECs petition. [Emphasis added.] As such, the Rural ILECs have not petitioned the Commission to rescind, or to declare null and void, the authorization issued to segTEL on March 3, 2009, to provide competitive local exchange service in *all New Hampshire*

telephone exchanges” but rather only within the service territories of the above-named Rural ILECs.

Moreover, the RLEC Petition was entitled “***Petition by Certain Rural Telephone Companies Regarding CLEC Registration of segTEL, Inc.***”

The title and content of the Order of Notice suggest that the Rural ILECS seek to have the Commission nullify or rescind segTEL’s authorization to engage in business as a telephone utility in the entire state of New Hampshire. Pursuant to NH Code of Administrative Rules, Chapter 400 Rules for Telecommunications, Puc 430 Rules for Competitive Local Exchange Carriers, *et seq.*, and Commission Order Number 23,898, segTEL is a competitive local exchange carrier duly authorized as public utility in the state of New Hampshire. segTEL is authorized to engage in business as a competitive local exchange carrier within all territories controlled by FairPoint Communications, Inc. (FairPoint), the predominate incumbent local exchange carrier in New Hampshire, and the Rural ILECs are not challenging this authorization. Further, because the service territories of the Rural ILECs are a fraction of that controlled by FairPoint, the Order of Notice inadvertently mischaracterizes the breadth of the RLEC petition. Finally, regarding this application, TDS did not contest segTEL’s application and has not made a filing requesting action by the Commission in this matter.

WHEREFORE, segTEL respectfully requests that this docket be renamed “***Petition by Certain Rural Telephone Companies Regarding CLEC Registration of segTEL, Inc.***” the title of the Rural ILEC’s petition.

Further, segTEL requests that the Commission clarify the Order of Notice, which states that the Rural ILECs are seeking petition to rescind, or to declare null and void, the authorization issued to segTEL on March 3, 2009, to provide competitive local exchange service ***in all New Hampshire telephone exchanges***” to reflect the petition’s request for a determination that the

Form CLEC 10 registration purporting to authorize segTEL to provide competitive local exchange services *within the service territories of the RLECs* be declared null and void or, in that such registration be rescinded due to reasons stated in the RLEC petition. segTEL requests that the Order of Notice be amended to reflect this clarification.

segTEL has sought the concurrence of the RLECs, and counsel to the RLECs do not object to the limited relief requested herein. Further, Staff has been notified and concurs with the filing of this request.

Respectfully submitted,

segTEL, Inc.
by its Attorney

Carolyn Cole
General Counsel
segTEL, Inc.
325 Mount Support Road
Lebanon, New Hampshire 03766
phone 603 676-8225
counsel@segtel.com