

State of New Hampshire  
Public Utilities Commission

DT 07-027

Kearsarge Telephone Company,  
Wilton Telephone Company, Inc.,  
Hollis Telephone Company, Inc., and  
Merrimack County Telephone Company

**MOTION FOR PREHEARING CONFERENCE**

Daniel Bailey, a party to this proceeding, by and through his undersigned counsel, New Hampshire Legal Assistance, requests that the Commission schedule a prehearing conference in this matter, pursuant to PUC 203.15 (a) and RSA 541-A:31, V (b), (c), and (d), and sets forth the following in support of this motion.

1. In Order No. 24,852, dated April 23, 2008 in this docket, the Commission authorized Merrimack County Telephone Company (MCT) and Kearsarge Telephone Company (KTC) (hereinafter, the Companies) to update their testimony at any time within one year of issuance of the above Order regarding the availability and level of competition in their service territories. Order, page 30.

2. RSA 374:3-b, III requires, that among other required findings, the Commission must find that competitive wireline, wireless, or broadband service is available to a majority of the retail customers in each of the exchanges served by the incumbent local exchange carrier, and that the Companies' plan preserves universal access to affordable

basic telephone service before the Commission can approve the Companies' plan for an alternative form of regulation.

3. On January 29, 2009 the Companies filed the Supplemental Testimony of Michael C. Reed On Behalf of MCT and KTC to offer "factual support for an updated measurement of the availability of competitive services within the service territories of MCT and KTC". Supplemental Testimony, page 2, ll. 18-20.

4. The Commission has not issued an Order of Notice or established a procedural schedule yet for a determination of the Companies' updated information set forth in its Supplemental Testimony dated January 29, 2009.

5. PUC Rule 203.15(a) provides that upon motion of any party the presiding officer may schedule one or more prehearing conferences.

6. Daniel Bailey is a party to this proceeding.

7. At the prehearing conference the presiding officer may set a procedural schedule and determine other pertinent matters. See also RSA 541-A:31, V (b), (c), and (d).

8. A procedural schedule should be established to provide the opportunity for necessary discovery requests and for hearings where the parties may be afforded an opportunity to be heard in response to the Companies' Supplemental Testimony.

9. The failure to provide an opportunity to conduct discovery, cross examination, and an opportunity to be heard in response to the Companies' Supplemental Testimony would affect the procedural due process rights of Daniel Bailey and other parties to this proceeding.

10. Undersigned counsel for Daniel Bailey notified the parties to this case of this motion and requested the parties' respective positions with respect to the relief requested in this motion. Undersigned counsel for Daniel Bailey was notified by the following parties of their respective positions in this matter as set forth below: Staff does not object to a prehearing conference; the Office of Consumer Advocate supports the motion for a prehearing conference; responses were not received from the Companies or other parties.

WHEREFORE, Daniel Bailey respectfully requests that the Commission schedule a prehearing conference in this matter and grant such other relief as may be just and reasonable.

Respectfully submitted,

Daniel A. Bailey,  
By His Counsel,

New Hampshire Legal Assistance  
117 North State Street  
Concord, NH 03301  
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Alan Linder  
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2/10/09

Date

2/10/09

Date



Daniel Feltes  
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Certification Of Service

I certify that on this date the Commission, Commission Staff and all parties were served with the within document via email.

New Hampshire Legal Assistance

*Alan Linder*

Alan Linder

Attorney for Daniel Bailey

2/10/09  
Date