

**THE STATE OF NEW HAMPSHIRE**

**BEFORE THE**

**PUBLIC UTILITIES COMMISSION**

**DM 12-276**

**Northern New England Telephone Operations LLC and Enhanced Communications  
of Northern New England, Inc.**

**Objection to Public Utility Assessments**

**COMCAST'S PETITION TO INTERVENE**

NOW COMES Comcast Phone of New Hampshire, LLC ("Comcast Phone"), by and through its undersigned attorneys, and, pursuant to RSA 541-A:32, I (b) and N.H. Admin. Rule Puc 203.17, respectfully requests that Comcast be permitted to intervene in the above-captioned matter. In support of this Petition, Comcast states as follows:

1. On September 17, 2012, two affiliates of FairPoint Communications, Inc., i.e., Northern New England Telephone Operations LLC ("NNETO") and Enhanced Communications of Northern New England, Inc. ("Enhanced Communications") (collectively "FairPoint"), filed a written objection to two public utility assessment invoices prepared by the Commission pursuant to RSA 363-A. FairPoint's objection contends that: 1) in calculating utility assessments paid by Excepted Local Exchange Carriers ("ELECs"), the Commission may not properly include any expenses associated with the Office of Consumer Advocate ("OCA") because, Senate Bill 48, neither the OCA nor the Residential Ratepayers Advisory Board has jurisdiction over or regarding ELECs; 2) the Commission cannot legally levy an assessment utilizing the interstate revenues of NNETO or Enhanced Communications; and 3) utility assessments based

upon the OCA's expenses and interstate revenues constitutes an unconstitutional taking of property.

2. On October 5, 2012, the New Hampshire Public Utilities Commission ("the Commission") issued an Order of Notice in the above-captioned docket stating that this docket concerns, *inter alia*: whether the utility assessments to which FairPoint objects are excessive, erroneous, unlawful or invalid under RSA 363-A:2 and/or constitute an unlawful and unconstitutional taking of property; whether the FairPoint assessments should be reset; whether and to what extent FairPoint's arguments for resetting the assessments apply to the Commission's fiscal year 2013 assessments; and whether implementation of Senate Bill 48 requires any change to the method by which utility assessments are calculated. The Order of Notice also indicated that "[i]f the assessment of one public utility is reduced, it is possible that the assessments of the remaining public utilities will increase, in order to fully reimburse the Commission for its expenses." Order of Notice (Oct. 5, 2012) at 2.

3. Comcast is an ELEC as that term is defined in RSA 362:7, I. (c) (3) (i.e. a telecommunications provider that is not an incumbent local exchange carrier), and pays an annual assessment issued by the Commission pursuant to RSA 363-A:1. Comcast's assessments are based on its revenues as well as the revenues of its affiliate, Comcast IP Phone, II, LLC. Like FairPoint, Comcast's utility assessments have included an assessment on interstate revenues, in addition to intrastate revenues.

4. Inasmuch as this docket concerns issues related to utility assessments paid by ELECs, and given the possibility that Comcast's assessment for the Commission's fiscal year 2013 expenses may increase if FairPoint's assessment decreases, Comcast's rights,

duties, privileges, immunities and other substantial interests will be affected by this docket. *See* RSA 541-A:32, I. (b).

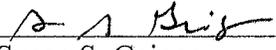
5. Given that Comcast's interests will be directly affected by the outcome of this docket, the interests of justice will be promoted by allowing Comcast to intervene. *See* RSA 541-A:32, I. (c). In addition, the orderly and prompt conduct of these proceedings will not be impaired by granting this Petition, as it is timely filed. *Id.*

6. In view of the foregoing, Comcast qualifies for intervention under RSA 541-A:32, I.

WHEREFORE, Comcast respectfully requests that it be permitted to intervene in this proceeding.

Respectfully submitted,

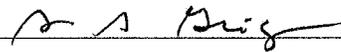
Comcast Phone of New Hampshire,  
LLC ("Comcast")  
By its attorneys,  
ORR & RENO, P.A.

By:   
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Dated: October 31, 2012

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 31<sup>st</sup> day of October, 2012 been either sent by electronic mail or first class mail, postage prepaid, to persons listed on the Service List.

  
Susan S. Geiger

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