



Brandon Shamoun
General Counsel
T 248.556.9522
F 248.556.9982
bshamoun@clearrate.com

December 31, 2018

New Hampshire Public Utilities Commission
21 S. Fruit St, Suite 10
Concord, NH 03301-2429

NHPUC 3 JAN 19 AM 10:42

Re: Clear Rate Communications Inc.'s Request for Waiver of Expenses Assessed
Pursuant to Chapter 363-A; Docket No: DT 18-185

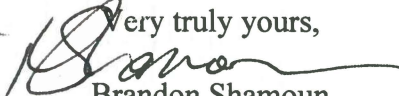
Dear Commissioners:

Clear Rate Communications, Inc. ("Clear Rate") writes this letter in response to Staff's Recommendation regarding our Request dated December 7, 2018. While Staff recommends denial of our request, they only do so on one basis, that the request is untimely. However, a barrier to market entry is still a barrier to market entry and the existence of the regulation, in the face of FCC regulations and this own State's regulations, is a continuing violation of being an barrier to market entry. If the request or objection is untimely, that does not make the assessment less excessive, less erroneous, lawful, or valid. In fact, it is compounding a wrong upon a wrong. In further support, the absence of any response regarding the fairness of the assessment speaks volumes as to how unfair the assessment is. There is not a single sentence in Staff's recommendation that discusses Staff's position on the fairness of the assessment. This can only lead me to believe that they believe, as Clear Rate does, that the assessment is ultimately unlawful.

In further support of the request, Clear Rate has attached to this correspondence an Affidavit from its Controller verifying the information provided in the December 7, 2018 request, and provides further information about the viability of the assessment going forward. Since submission of the December 7, 2018 request, our lone source of revenue in the State of New Hampshire disconnected the services being provided in that state. On December 10, 2018, our customer disconnected the services being provided, and Clear Rate is no longer generating any revenue from the State of New Hampshire. Any further assessments pursuant to RSA 363-A would surely be unlawful as there would be no revenue being generated that could be used to justify any assessment.

For the reasons stated above, Clear Rate Communications reinforces its position that the regulation, as applied to Clear Rate Communications, is unlawful, and any assessments made are in violation of the State of New Hampshire's regulations, as well as, FCC Regulations.

If the Commission feels this matter warrants further discussion, I can always make myself available for the Commission and welcome any dialogue to resolve this matter. I can be reached by email at bshamoun@clearrate.com or by phone at (248) 556 – 9522.

Very truly yours,

Brandon Shamoun

**STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION**

**AFFIDAVIT IN SUPPORT OF REQUEST FOR WAIVER OF EXPENSES ASSESSED
PURSUANT TO CHAPTER 363-A**

MATTER NO. DT 18-185

STATE OF MICHIGAN)
) s.s.
OAKLAND COUNTY)

Jeffery Ortwine, being duly sworn, deposes and states:

1. I am the Controller for Clear Rate Communications, Inc.
2. I have personal knowledge of the facts contained herein, except as to matters stated as being based on information and belief, and as to those matters, I believe them to be true. If called as a witness, I can competently testify as to the matters stated herein.
3. I have reviewed the request of Clear Rate Communications for a waiver of expenses assessed pursuant to Chapter 363-A.
4. I have also examined all of Clear Rate Communications' financial records and customer accounts associated with the State of New Hampshire and regularly kept business records regarding those customer account(s) with Clear Rate Communications.
5. The financial data presented to the Commission in Clear Rate's letter dated December 7, 2018 are an accurate and true representation of the revenue generated from those customers located in New Hampshire.
6. On or about February 5, 2017 Clear Rate Communications received correspondence from David Prentice, of Prentice Enterprises, LLC, requesting that Clear Rate Communications disconnect all services.

7. In further support of Clear Rate's request, new information has come to light since the December 7, 2018 correspondence and request.

8. As of December 10, 2018, the one customer Clear Rate was providing and selling services to disconnected all of the services being provided in the State of New Hampshire.

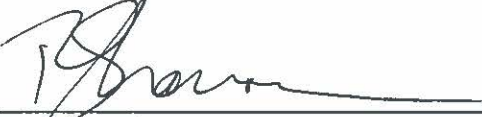
9. As of December 10, 2018, there is no revenue being generated by Clear Rate Communications in the State of New Hampshire.

Further affiant sayeth not.



Jeffery Ortwine
Controller
Clear Rate Communications, Inc.

Subscribed and sworn to before me,
this 31st Day of December, 2018



Brandon Shamoun, Notary Public
for Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission expires on October 23, 2020