



Patrick C. McHugh  
770 Elm Street  
Manchester, NH 03101  
603-591-5465  
patrick.mchugh@consolidated.com

NHFLC 50CT15R3:42

October 3, 2019

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

**Re: DT 19-041: Petition of Consolidated Communications of Northern New England Company, LLC  
for Approval of Modifications to the Wholesale Performance Plan**

Dear Ms. Howland:

As the parties well know, the above captioned proceeding pertains to Consolidated Communications' requests to modify or eliminate the Wholesale Performance Plan (the "WPP") in New Hampshire. This Commission, along with the other commissions, developed a briefing schedule to address a single issue. On June 10, 2019, this Commission issued a Secretarial Letter in which it (i) agreed with Staff's recommendations for proceeding in the Docket and (ii) directed the parties to address a single question of law: "[d]o the FCC Forbearance Orders constitute a change of law contemplated by Section K of the WPP?" The Vermont and the Maine Commissions directed the parties to address the same question in separate orders.

Given the ongoing coordination among the three states, Consolidated Communications is filing this letter to inform the Commission that the Hearing Examiner in the Vermont Public Utilities Commission proceeding (Case No. 19-0603-PET) issued a ruling on October 2, 2019, that the change of law provision in the WPP is triggered by the FCC Forbearance Orders. The Hearing Examiner also ordered (on page 10 thereof): "... Consistent with the Change of Law provision, I direct Consolidated and the CLECs to consult and file a schedule for negotiating proposals for changing the Wholesale Performance Plan, as proposed in Consolidated's Motion, so that their negotiations are completed within 90 days of the issuance of this order." A copy of the ruling is enclosed for the Commission's convenience.

Please do not hesitate to contact me if you have any questions concerning this filing. An original and six copies of this correspondence are hereby provided. An electronic copy of the complete filing will be submitted via email.

Respectfully submitted,

A handwritten signature in black ink that reads "Patrick C. McHugh". The signature is written in a cursive, flowing style.

Patrick C. McHugh, Esq.  
On behalf of Consolidated Communications

Cc: DT 19-141 Service List