

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 19-041

**CONSOLIDATED COMMUNICATIONS OF
NORTHERN NEW ENGLAND COMPANY, LLC**

Petition for Approval of Modifications to the Wholesale Performance Plan

CHARTER'S PETITION TO INTERVENE

Charter Fiberlink NH-CCO, LLC and Time Warner Cable Information Services (New Hampshire), LLC (collectively, "Charter") respectfully petition the New Hampshire Public Utilities Commission ("Commission") to allow it to intervene as a party in the above-captioned matter, pursuant to RSA 541-A: 32, N.H. Code of Admin. Proc. Puc 203.17, and the March 8, 2019 Order of Notice issued by the Commission. The Commission should grant this request because Charter's rights, privileges and other substantial interests may be directly affected by the Commission's actions in this proceeding.

In support of this Petition, Charter states as follows:

1. On February 28, 2019, Consolidated Communications of Northern New England Company, LLC ("Consolidated") filed a Petition for Approval of Modifications to the Wholesale Performance Plan ("Petition") and ("WPP"). On March 8, 2019 the Commission issued an *Order of Notice* in this matter in which it established March 25, 2019 as the deadline for interventions and required such petitioners to state the facts demonstrating how their rights, duties privileges, immunities or other substantial interest may be affected by the proceeding.
2. Consolidated argues in its Petition that the Commission should eliminate any requirement to track and report performance measurements that pertain to certain products or services for which the Federal Communications Commission ("FCC") granted Section 271

forbearance to Bell Operating Companies (“BOCs”) and that are mutual obligations of all local exchange carriers (“LECs”) under section 251(b). These include resale, number portability, and directory listings. Consolidated requests some additional changes to the WPP related mainly to the “small sample rule.”

3. Charter’s interests are affected by Consolidated’s WPP and any changes thereto. Charter interconnects with Consolidated in New Hampshire, operating in some of the same markets, and is particularly interested in Consolidated’s service quality with respect to number portability, directory listings and trunking. Changes in the WPP as proposed would affect these metrics and could lead to diminished wholesale service quality on the part of Consolidated which would negatively affect Charter’s business in the State of New Hampshire.

4. Charter wishes to participate in this docket to oppose certain of the substantive changes to the WPP that Consolidated has proposed. Before deciding to oppose all substantive changes in the WPP, Charter is willing to analyze and consider additional information and argument from Consolidated relative to the requested substantive changes to the WPP. Nonetheless, Charter disagrees that the FCC’s forbearance order cited by Consolidated in its petition requires the proposed changes to the WPP.¹ Also, as Consolidated noted in its petition, the FCC acknowledged that it was within states’ authority to determine whether to modify plans like the WPP even in light of that forbearance decision.²

5. Also, intervention by Charter will not unduly delay the proceeding or prejudice the interests of Consolidated or the public. Charter’s request to intervene is submitted in this proceeding at the outset of the proceeding. If granted, Charter’s participation will assist the

¹ See *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) From Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks, Lifeline and Link Up Reform and Modernization, Connect America Fund*, WC Docket Nos. 14- 192, 11-42, 10-90, FCC 15-166, at ¶ 46 (rel. Dec. 28, 2015) (*271 Forbearance Order*).

² *Id.* at ¶ 17.

