

**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

ORDER OF NOTICE

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). The Petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at www.puc.nh.gov/Regulatory/Docketbk/2019/19-041.html.

Consolidated is a successor company designated as a Regional Bell Operating Company (RBOC) with certain obligations under federal law pursuant to the Telecommunications Act of 1996, 47 U.S.C. §102, *et. seq.* (Telecom Act). One of those obligations is the development and maintenance of a performance assurance plan, implemented by Consolidated in its Wholesale Performance Plan (WPP). Consolidated's predecessor, FairPoint, proposed simplified metrics and a WPP in Docket No. DT 11-061, which took the place of the previous performance assurance plan developed by Verizon on June 1, 2015. In its Petition, Consolidated is requesting modifications to the WPP to eliminate requirements regarding products or services for which the Federal Communications Commission (FCC) granted forbearance, as well as other substantive and administrative changes unrelated to the FCC's forbearance actions. Consolidated filed

similar petitions with the Maine Public Utilities Commission and the Vermont Public Utility Commission.

Consolidated filed the Petition to conform with the Biennial Review provisions of the WPP, which call for notice of proposed modifications to all Competitive Local Exchange Carriers (CLECs) and the three northern New England Commissions at least sixty days prior to the next biennial anniversary of the plan, which is June 1, 2019. Based on the Petition, and Staff's preliminary analysis of the changes to the WPP, Consolidated has proposed:

1. Eliminating 49 metrics;
2. Modifying 19 metrics to remove resale and/or local number portability;
3. Modifying 32 metrics, most with respect to trunking, to change the Performance Standard and/or the applicability of the Small Sample Size Rule;
4. Modifying 9 metrics to correct typographical errors;
5. Making substantive changes with respect to Performance Credit Methodologies, Material Errors, and Statistical Testing Procedures sections of the WPP;
6. Making substantive changes to Appendix 2, Sample Size Scoring Procedures for Percentage Metrics with Benchmark Standards and Appendix 4, Metrics Subject to Performance Credits with respect to bill credit escalators;
7. Making a variety of non-substantive clarifications to the text of the WPP set out in Section 1, Terms and Provisions of the WPP; and
8. Updating the name of the company and company URLs throughout.

The filing raises, inter alia, issues related to the applicability of the FCC's Forbearance Order to New Hampshire's WPP, the structure, content, and purposes of the WPP, the financial impacts of the proposed changes and whether and how they affect the dollars at risk, and whether

Consolidated's proposed revisions to its already-simplified metrics and wholesale performance plan meet the requirements of an adequate performance assurance plan under Section 271 of the Telecom Act. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire on March 27, 2019 at 2:00 pm, at which each party will provide a preliminary statement of its position with regard to the Petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Consolidated, the Staff of the Commission, and any Intervenors shall hold a Technical Session to review the Petition; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice on the Commission's website upon its issuance; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Consolidated on or before March 25, 2019, such petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rules Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before March 27, 2019.

By order of the Public Utilities Commission of New Hampshire this eighth day of March, 2019.

Debra A. Howland /mes
Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

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