

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
DT 19-117
Granite State Telephone, Inc.

GST's Response to Public Comments Re: Order *Nisi*

Granite State Telephone, Inc. ("GST") responds to the public comments submitted to the Commission pursuant to the Order *Nisi* (Order No. 26,288) issued on August 20, 2019. The Order conditionally granted GST's petition to modify certain exchange boundaries that GST shares with Consolidated Communications of Northern New England, LLC ("Consolidated") in the Towns of Stoddard and Chester.

Summary of Public Comments

All of the public comments received involve the new service area in Stoddard. The Commission received no public comments regarding the Town of Chester. The public comments consisted of emails sent to Staff from two current GST customers. One of the email writers resides in the Town of Washington, which is not in the area affected by the boundary adjustment, and the other resides in the Town of Stoddard, which is in the affected area. Both customers are members of the Highland Lake Association ("HLA"), an association of homeowners in Washington and Stoddard along the northwestern shore of Highland Lake. The Stoddard customer's email also attached a petition signed by 88 individual members of the HLA, 31 of

whom are homeowners in the affected area in Stoddard.¹ Both of the email writers are also among the petition's signatories.

The two emails and the petition express frustration and impatience with the pace of GST's deployment of fiber-fed broadband Internet access service ("BIAS") to residences in the Highland Lake Association.² The petition, which is dated "July/August 2019" and is addressed to GST's President, does not appear to have been prepared in response to the present Commission proceeding. Nonetheless, in his email forwarding the petition, the Stoddard resident "request[s] that any final decision [in this docket] be delayed until our service issues in the specific area are review[ed] and a resolution has been provided." Because of this request, Staff has asked the Commission to include the customer comments as part of the docket record, a recommendation that GST does not oppose.

GST's Response

GST takes service to its customers seriously. As the Petition and Order in this proceeding make clear, GST has been serving customers in the affected area of Stoddard, including the HLA locations in Stoddard, for several decades with the consent of Consolidated and its predecessors. The purpose of the present proceeding is to formalize the exchange boundaries so that GST's customers in Stoddard are officially within GST's service area. Adjusting the exchange boundaries to reflect GST's long provision of communications services in parts of Stoddard also reduces the regulatory risks and enhances the benefits of network investment in areas that until now have not been included as part of GST's Study Area.

¹ One signatory omitted listing his or her town, but the stated address is in the Town of Washington.

² The petition also alleges facts surrounding the HLA's 2002 grant of an easement to GST in the Town of Washington, which is not in the area affected by the boundary adjustment. GST disputes the factual allegations but notes that the easement issue is not germane to the exchange boundary adjustment involved in the present case.

From conversations that GST's technicians have had with a small number of residential customers who are HLA members, GST is aware that some customers are dissatisfied with available broadband speeds. However, GST has not heard directly from HLA regarding the issues raised in the petition. GST received a copy of the HLA petition from Commission staff last week. If HLA had contacted GST directly, GST would have advised HLA that GST has a construction plan already underway to bring fiber-fed broadband Internet access service ("BIAS") to all of GST's customers, including to the locations of the HLA members.

Since 2005, GST has been offering broadband Internet access service to all locations in the HLA, including to HLA customers in the affected area of Stoddard. GST has a broadband point of presence ("POP") on the HLA property. Speeds for BIAS service in the affected area now range between 3/1 Mbps and 14/1 Mbps, depending on the service location's distance from GST's POP within the HLA.

GST understands and sympathizes with customers who desire faster speeds for BIAS service. GST is working diligently to upgrade its entire network by constructing fiber-to-the-home ("FFTH") to each location in GST's service area. Once the network upgrades are completed, every customer served by GST will have access to BIAS with minimum speeds of 25/25 Mbps and with maximum speeds up to 1 Gbps. The costs of fiber construction, however, are very high, and GST's construction plan spreads the conversion project across several years.

This year, GST began the fiber conversion of locations in both the Washington and Stoddard portions of the HLA. GST has already begun converting customers in HLA locations in the Town of Washington in 2019. Under the current plan, GST expects to complete its fiber conversion of locations along the northwestern shore of Highland Lake (including the member

residences of the HLA) in calendar year 2020. GST expects to complete the conversion of locations along the northeastern shore of Highland Lake in calendar year 2021.

The current construction schedule could be shortened, however, if GST successfully obtains a broadband construction loan through the ReConnect Loan and Grant Program of the United States Department of Agriculture (“USDA”). GST is seeking financing through USDA to accelerate its FTTH construction project. GST submitted its loan application in July and is presently awaiting a decision from USDA.

In short, GST is working as diligently as possible to upgrade its existing network and to make BIAS available to its customers at faster speeds. While GST appreciates the frustration expressed by the HLA members in their emails and petition, GST does not agree that issues of broadband access or broadband speed bear any relation to the question presented to the Commission in this proceeding, which concerns the adjustment of certain exchange boundaries between GST and Consolidated. The specific issues raised in the public comments do not fall within the Commission’s jurisdiction to consider under New Hampshire law. *See* RSA 362:7, II (barring state agencies from adopting or enforcing orders that regulate the rates, terms, and conditions of any IP-enabled service). For these reasons, GST urges the Commission to deny the Stoddard customer’s request to delay the effective date of the proposed boundary adjustment in this proceeding.

Conclusion

GST is grateful for the opportunity to respond to comments that Staff received from members of the public as part of this proceeding. Customers in the affected area of Stoddard have raised an important concern regarding the need for faster broadband speeds, a concern that GST shares and is acting expeditiously to address. The issues raised in the public comments,

however, are not germane to the present proceeding and fall outside the Commission's regulatory authority. GST already has a construction plan underway to bring FTTH service to all locations in its service area, including to the locations in Washington and Stoddard where HLA members have their residences. Because Staff has included the customer request in the docket record, GST asks the Commission to deny that request and to take no other action in response to the customers' comments.

GST has satisfied each condition of the Order *Nisi*.

WHEREFORE, GST respectfully requests that the Commission:

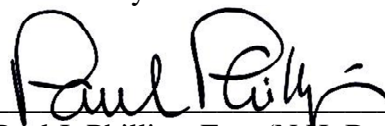
- A. Deny the request for a delay of Commission action, as submitted in the public comments.
- B. Issue a Final Order approving the requested boundary adjustments, effective as of September 20, 2019.
- C. Grant such other relief as is just and appropriate.

Respectfully submitted,

GRANITE STATE TELEPHONE, INC.

By: Primmer Piper Eggleston & Cramer PC,
Its Attorneys

Dated: September 9, 2019

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Certificate of Service

I, Paul J. Phillips, Esq., hereby certify that on the date indicated below, I caused the foregoing to be served electronically, pursuant to N.H. Admin. Rule Puc 203.11(a)(1), to each person listed on the Commission's electronic service list for DT 19-117, and to Mr. Ron Morrison on behalf of the Highland Lake Association.

Dated: September 9, 2019



Paul J. Phillips, Esq.