

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 20-____

**Petition of Dunbarton Telephone Company, Inc., for Emergency Modification
of Service Territory Boundary with Consolidated Communications of Northern
New England Company, LLC d/b/a Consolidated Communications - NNE**

Pursuant to RSA 374:30, II, Dunbarton Telephone Company, Inc. (“DTC”) requests emergency approval from the New Hampshire Public Utilities Commission (“Commission”) to modify a portion of its existing service territory boundary in the Town of Dunbarton, described more fully below, in cooperation with Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications – NNE (“Consolidated” and, with DTC, the “Companies”). Consolidated has authorized DTC to state Consolidated’s support for this request.

Emergency approval is needed to address the COVID-19-related communications needs of the affected Consolidated customers in Dunbarton, who have expressed the urgency of their circumstances in a separate petition, dated May 9, 2020, to the Board of Selectmen of the Town of Dunbarton. The affected customers’ petition is attached here as **Exhibit DTC-1**.

As grounds for its request, DTC states as follows:

I. Statement of Actual Notice to All Affected Customers

1. Concurrently with this submission to the Commission, DTC has delivered, by first class U.S. mail, a copy of this Petition and its attached Exhibits to each customer in the affected area.

2. Attached to this Petition as **Exhibit DTC-2** is a list showing the names and addresses of all customers located in the affected area. DTC respectfully asks the Commission to

include each of these customers on the Service List for this proceeding as interested persons who are entitled to receive copies of all submissions, notices, and orders filed or issued in this proceeding.

II. Background of the Companies

3. DTC is an incumbent local exchange carrier operating as an excepted local exchange carrier whose basic franchise territory includes a single telephone exchange (603-774) serving most of the Town of Dunbarton and portions of the Towns of Bow and Goffstown.

4. DTC has offered communications services in its franchise territory continuously since 1902 and presently offers voice and data services to residential and commercial locations throughout its territory.

5. Since 2017, DTC has undertaken upgrades to its broadband Internet access service financed through a \$5.5 million construction loan provided by the Rural Utilities Service of the United State Department of Agriculture. The network upgrades are now complete and the fiber-optic network is capable of offering broadband service at speeds up to 1 Gigabit per second (Gbps) to all locations in its franchise territory.

6. Consolidated is an incumbent local exchange carrier operating as an excepted local exchange carrier whose basic franchise territory in New Hampshire includes the portion of the Town of Dunbarton not presently served by DTC.

III. Town of Dunbarton Boundary Modification

7. The proposed boundary modification involves residential customers living at ten (10) service locations on Gorham Pond Road in the Town of Dunbarton, immediately north of the municipal border with the Town of Goffstown.

8. A map showing the current boundaries of the Dunbarton exchange (in blue) and the proposed new boundaries (in red) is attached here as **Exhibit DTC-2**. The municipal boundaries of the Town of Dunbarton are shown in yellow. The area affected by the proposed boundary adjustment is circled in black.

9. As depicted in **Exhibit DTC-2**, the existing service territory boundary between DTC and Consolidated creates a cut-out that deviates from the Town of Dunbarton's municipal boundaries. In the area circled in black, the telephone exchange boundary (shown in blue) departs from the western municipal boundary and runs to the east, cutting across Gorham Pond Road just north of Number 1169 Gorham Pond Road. Immediately east of Gorham Pond Road, the exchange boundary turns to the south and meets up again with the Dunbarton municipal boundary, which it then follows to the east. Locations north of 1169 Gorham Pond Road are in DTC's service territory, and locations south of that boundary are in Consolidated's territory.

10. In the cut-out portion of Gorham Pond Road south of the existing exchange boundary, there are ten (10) service locations in the Town of Dunbarton that are presently served by Consolidated. The present petition seeks a boundary modification between DTC and Consolidated that would bring these 10 affected service locations within DTC's basic franchise territory.

11. The petition proposes to modify the existing service territory boundary by eliminating the "cut-out" area and making the current exchange boundaries (shown in blue) conform to the municipal boundaries (shown in yellow) that form the southwest corner of the Town of Dunbarton.

12. Consolidated consents to the proposed exchange boundary modification.

13. Subject to the approval of the Commission, DTC and Consolidated have agreed to the transfer of Consolidated's basic exchange franchise obligations in the transferred area to DTC. The service boundaries of the Companies would be modified to reflect the Companies' agreement and the Commission's approval.

14. The proposed modification does not involve the conveyance of any utility assets between the Companies.

15. As an established local exchange carrier that has served customers in its franchise territory for nearly 120 years, DTC has the technical, managerial and financial capability of maintaining the obligations of an incumbent local exchange carrier as set forth in RSA 362:8 and RSA 374:22-p.

IV. Service Impacts of the Proposed Boundary Modification

16. The proposed boundary modification, if approved, would bring customers presently located in a Consolidated territory served by the Goffstown exchange (603-497) into DTC's territory served by the Dunbarton exchange (603-774).

17. Customers with landline telephone service in the affected area will require a change in their landline telephone numbers.

18. Customers in the affected area who have a presubscribed toll carrier for their landline service may need to select a different toll carrier.

19. The local calling areas are different for the Goffstown exchange and the Dunbarton exchange, which may affect customer bills, depending on their normal calling patterns.

20. DTC will work with the affected customers to ensure a smooth transition of any landline services they continue to receive.

V. Emergency Nature of the Petition

21. DTC's request to the Commission originated from a petition for service signed by the residents living in 9 of the 10 affected locations in Dunbarton and addressed to the Dunbarton Town Clerk. *See Exhibit DTC-1*. In the cover letter that accompanied the petition, the petitioners make clear that while they have experienced a longstanding lack of reliable, high-speed Internet access from providers serving the area, the situation "has been significantly exaggerated [*sic*] by the Covid-19 pandemic." *Id.*, at 1.

22. According to the petitioners' letter:

We are in healthcare, teaching, law, home mortgage, and college just to name a few of the reasons we need daily access to the internet. Some of us are parents needing access to virtual classrooms. For many of us this has truly become a hardship. The pandemic has magnified how truly difficult keeping up with our work, our colleagues and our families, the lack of internet has been for us.

Id., at 2.

23. One of the petitioners included with her signature page a letter addressed to the Town of Dunbarton that reads, in part:

. . . The [new] home was complete in April of this year and I made plans along with the help of family to move my belongings from North Carolina to New Hampshire. Prior to moving into this home, I contacted Dunbarton Telephone/Granite State Communications and was told that they did not service the property. I then called Consolidated Communications and was told they did service the property; however, the only Internet they could offer me was DSL. Next, the search started for an Internet provider that would offer the type of Internet that could sustain me working from home. I work for a Mortgage Company that requires me to connect to a VPN (Virtual Private Network) in order to access any of the programs needed to perform my job. Hughes Net Satellite was the only company, seemingly, that would provide us Internet to meet my work and our personal demands. As it turns out, this was not true. . . . My home is my safe space, and when my boss approved my move, it was with the condition that I would have Internet to perform my daily work functions. . . .

Id., at 9-10.

24. Another petitioner wrote a note below her signature that reads, in part:

Since the virus, I have been trying to work from home. My Internet access is so slow that it does not work to upload pages from my work environment to the printer. So again a hardship. My husband is older, in a high risk range for virus, [and] has [a] medical issue, but I have to drive into Manchester to my work just to print paperwork. So great, I have to put my husband at risk because I cannot print due to the Internet speed I have from [my satellite service].

Id., at 14.

25. The urgency of the prospective customers' concerns demonstrates the need for expedited action on the part of the Commission to approve DTC's request as quickly as possible.

VI. Proposed Relief

26. In furtherance of the aforesaid requests, DTC proposes that the Commission grant the requested approval on an expedited basis, upon the terms and conditions set forth below.

27. First, the Commission should waive any requirements for a prehearing, public hearing or merits hearing in light of the emergency nature of DTC's request.

28. Second, the Commission should waive any publication requirement for its Order of Notice, in light of the actual notice that DTC has given to all affected customers in this proceeding.

29. Third, the Commission should deem the prospective customers' petition (attached as **Exhibit DTC-1**) to serve as public comments sufficient to satisfy the Commission's requirements.

30. Fourth, the Commission should grant approval by means of an Order *Nisi* that will take effect immediately but will also set a date no more than two weeks after issuance by which any person may file an objection to the Order *Nisi* with the Commission.

31. Fifth, DTC and Consolidated will file two (2) copies of their updated franchise territory maps in compliance with the Commission's approval order no later than thirty (30) days from the issuance of such order, as required by N.H. Admin. Rules Puc 1603.02.

32. Sixth, the Commission should waive any publication requirement for its Order *Nisi*, in light of the actual notice that affected customers will receive of all actions taken in this proceeding.

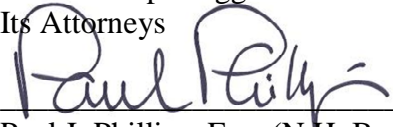
WHEREFORE, DTC respectfully requests that the Commission:

- A. Approve the petition to transfer the relevant franchise obligations and modify the territory boundaries as described above, subject to the aforesaid terms and conditions; and
- B. Grant such other relief as is just and appropriate.

Respectfully submitted,

DUNBARTON TELEPHONE COMPANY, INC.

By: Primmer Piper Eggleston & Cramer PC,
Its Attorneys

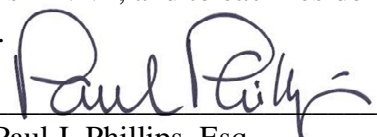
By: 

Paul J. Phillips, Esq. (N.H. Bar #20788)
900 Elm Street, 19th Floor
P.O. Box 3600
Manchester, NH 03105-3600
Tel: (603) 626-3300
Fax: (603) 626-0997
pphillips@primmer.com

Certificate of Service

I, Paul J. Phillips, Esq., hereby certify that on the date indicated below, I caused the attached to be served electronically, pursuant to N.H. Admin. Rule Puc 203.11(a)(1), to Staff counsel for the Public Utility Commission, to counsel for the Office of Consumer Advocate, to an authorized representative of Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications – NNE, and to each resident included in the List of Affected attached hereto as **Exhibit DTC-2**.

Dated: June 26, 2020



Paul J. Phillips, Esq.

