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October 1, 2021

Via Electronic Submission

Dianne Martin, Chairwoman
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: DE 21-020 Public Service Company of New Hampshire d/b/a Eversource Energy and Consolidate Communications of Northern New England Company, LLC d/b/a Consolidated Communications (collectively, the “Joint Petitioners”)

Joint Petition to Approve Pole Asset Transfer

Dear Chairwoman Martin,

On behalf of Consolidated Communications of Northern New England Company, LLC (“Consolidated”), this correspondence serves as a response to the New Hampshire Consumer Advocate’s so called Motion for Rehearing filed on September 23, 2021. A formal pleading, such as an objection to said motion, will not follow as Consolidated does not believe the Commission issued an actionable order for which a rehearing motion is properly filed. As such there is nothing to object to in the sense of what ordinarily needs to be filed under Puc. 203.07(f), regardless of what label the Consumer Advocate listed on the pleading.

The crux of the argument in the Consumer Advocate’s pleading of September 23 is two-fold. First, the Consumer Advocate argues the the Commission’s letter of Septemebr 10, 2021, “... can only be understood as a rejection of the OCA dismissal motion...” See Consumer Advocate’s September 23 Pleading at p. 2, Section II. Second, the Consumer Advocate states that the Commission’s September 10 letter constitutes an “implicit” ruling and that it “implicitly” denied his Motion to Dismiss, filed on August 4, 2021, via the Commission’s letter of September 10. *Id.* (“...OCA respectfully requests that the Commission either reconsider this implicit ruling...” Consolidated disagrees with both arguments.

With respect to the Commission’s September 10 letter, it nowhere states that the Commission denied the Motion to Dismiss. The caption of the letter states:

Rulings on Motion for Leave to File Reply to Objections, Motion to Extend
Deadline, and Motion for Stay of Proceedings

In fact the September 10 letter contains the substantive rulings as exactly referenced in the caption. The Department of Energy’s Motion to Stay the Proceedings was granted in part. The Consumer Advocate’s Motion for Leave to file a reply to the objections to its Motion to Dismiss

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was granted. Consolidated's motion to extend deadline for filing its objection to NECTA's motion to compel also was granted. Other than a deadline for the parties to report back on a new procedural schedule, the Commission took no further substantive action via the September 10 letter.

A review of the September 10 letter led Consolidated to believe that a ruling on the Motion to Dismiss would be forthcoming at a later date. Such action, or deferral of action, is not unheard of in administrative proceedings. *See Liberty Utilities' 2017 Least Cost Integrated Resource Plan*, Order No. 26,225 (March 13, 2019) in Docket No. DG 17-152 at 5-6 (denying motion to dismiss and holding in part that "... [t]he existence of elements in Liberty's LCIRP that may conflict with statutory requirements is not a basis for dismissal before relevant facts and arguments in the proceeding are fully developed...") (citing *Public Service Company of New Hampshire Petition for Approval of Power Purchase Agreement with Laidlaw Berlin BioPower, LLC*, Order No. 25,171 at 9 (November 17, 2010)).

As to the Consumer Advocate's claim that the September 10 letter constitutes an "implicit ruling", it should be rejected. The word implicit is a derivative of the word imply.¹ But to imply something means "to express indirectly" or to "to involve or indicate by inference, association, or necessary consequence rather than by direct statement." *See <https://www.merriam-webster.com/dictionary/imply>*. The Commission's September 10 letter simply said nothing about the merits of the Motion to Dismiss; nor did that letter characterize or substantively comment on the Objections to the Motion to Dismiss. As the Commission took no action on the Motion to Dismiss, there simply is nothing to rehear.

Pursuant to the Commission's March 17, 2020, notice that the Commission temporarily has waived the requirements of Puc. 203.02, paper copies of this correspondence will not be filed.

Please feel free to contact me with any questions.

Sincerely,



Patrick C. McHugh

On Behalf of Consolidated Communications of Northern New England Company, LLC

Cc: Service Lit

¹ Both words share the same Latin root, 'plicare.'