

**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**PUBLIC UTILITIES COMMISSION**

**DT 22-\_\_\_\_\_**

**Petition of Kearsarge Telephone Company to Modify Service  
Territory Boundaries in the Town of Salisbury, New Hampshire**

Pursuant to RSA 374:30, II, Kearsarge Telephone Company (“KTC”) hereby requests approval from the New Hampshire Public Utilities Commission (“Commission”) to modify certain service territories boundaries in the Town of Salisbury, as described more fully below, in cooperation with Consolidated Communications of Northern New England Company, LLC, d/b/a Consolidated Communications—NNE (“Consolidated” and, together with KTC, the “Companies”), which supports KTC’s request.

As grounds for its request, KTC states as follows:

**I. Background of the Companies**

1. KTC is an incumbent local exchange carrier operating as an excepted local exchange carrier whose basic franchise territory includes the Salisbury Telephone Exchange (603-798), which serves the major portion of the Town of Salisbury in Merrimack County (the “Town”), except for: (a) the southwest corner, which is served by KTC’s affiliate, Merrimack County Telephone Company, out of the Warner Telephone Exchange; and (b) the northeast corner of the Town, which is served by Consolidated out of the Franklin Telephone Exchange.

2. Consolidated is an incumbent local exchange carrier operating as an excepted local exchange carrier whose basic franchise territory includes the Franklin Telephone Exchange (603-934), which serves, among other locations, the northeast corner of the Town.

## **II. Jurisdiction of the Commission**

3. The Commission has jurisdiction over this proceeding pursuant to RSA 374:30, II, which provides in relevant part as follows:

II. An incumbent local exchange carrier that is an excepted local exchange carrier may transfer or lease its franchise, works, or system, or any part of such franchise, works, or system, exercised or located in this state, or contract for the operation of its works and system located in this state, *when the commission finds the utility to which the transfer is to be made is technically, managerially, and financially capable of maintaining the obligations of an incumbent local exchange carrier set forth in RSA 362:8 and RSA 374:22-p.*

RSA 374:30, II (emphasis added).

4. Simultaneously with the submission of this Petition to the Commission, KTC has given actual notice of this proceeding to the New Hampshire Department of Energy in accordance with RSA 374:4.

## **III. Salisbury Boundary Modification**

5. For ease of understanding, a map showing the Town as it is presently divided among three separate telephone exchanges, including the Salisbury Telephone Exchange and the Franklin Telephone Exchange, is attached here as **Exhibit KTC-1**.

6. The proposed boundary modification concerns twenty-seven (27) customers located in part of the section of the Town in which Consolidated presently provides service as the incumbent local exchange carrier out of the Franklin Telephone Exchange.

7. **Exhibit KTC-2** (the “Before Map”) shows the current Salisbury Telephone Exchange outlined in blue, with municipal borders, including the municipal borders of the Town, shown as dashed lines. KTC presently serves the area within the blue line. Consolidated presently serves the northeastern corner of the Town located within the dashed municipal borders of the Town but outside the blue lines of the Salisbury Telephone Exchange.

8. **Exhibit KTC-3** overlays the proposed new KTC section onto the existing map of the Salisbury Telephone Exchange. The new section is shown in cross-hatchings, with each of the affected locations shown as a red dot. As this exhibit indicates, a small section of the Town at the northeast corner will remain outside the Salisbury Telephone Exchange and will continue to be served by Consolidated out of its Franklin Telephone Exchange.

9. **Exhibit KTC-4** (the “After Map”) shows the proposed new boundaries of the Salisbury Telephone Exchange after the proposed adjustment is approved. Under the proposal, a portion—but not all—of the section of Town now served by Consolidated would be joined with the Salisbury Telephone Exchange.

10. This Petition seeks a boundary modification between KTC and Consolidated so as to bring the cross-hatched section of the Town, as shown on **Exhibit KTC-3**, within the Salisbury Telephone Exchange as part of KTC’s basic franchise territory.

11. The petition proposes to revise the existing service territory boundary of the Salisbury Telephone Exchange as follows:

Commencing at a point on the current Salisbury exchange boundary at 71°44'9.64"W/43°25'49.19"N and proceeding generally east following Town and parcel boundaries to a point at 71°42'43.60"W/ 43°25'59.75"N, then proceeding south-southeast along parcel boundaries to a point at 71°41'52.93"W/43°25'22.18"N, then proceeding generally south along the Town boundary to a point at 71°41'58.24"W/ 43°24'46.79"N on the current Salisbury exchange boundary.

Please see the proposed new section of the Salisbury Telephone Exchange shown in cross-hatched blue on **Exhibit KTC-3**.

12. **Exhibit KTC-5** is a list of the twenty-seven (27) existing locations in the Town that would be affected by the proposed boundary adjustment. These locations, which are currently in the Franklin Telephone Exchange served by Consolidated, would become part of the Salisbury

Telephone Exchange and would have KTC as their incumbent local exchange carrier if the proposed boundary adjustment is approved.

13. KTC has obtained Consolidated's consent to the proposed boundary modification, with the understanding that KTC will become the incumbent local exchange carrier but Consolidated will continue to maintain its facilities in the proposed transfer area and will provide service to any customer that desires to receive service from Consolidated.

14. Subject to the approval of the Commission, KTC and Consolidated have agreed to the transfer of Consolidated's basic exchange franchise obligations to KTC in the transferred area. The franchise boundaries of the Companies would be modified to reflect this agreement and the Commission's approval. The proposed modification does not involve the conveyance of any utility assets between the Companies.

15. As an established incumbent local exchange carrier that has served customers in the Town since 1899, KTC 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. Proposed Conditions**

16. In furtherance of the aforesaid boundary modification, KTC proposes that the Commission grant the requested approval upon the conditions set forth below.

17. **FIRST**, that KTC will cause a copy of the Commission's approval order to be: (a) published once in a statewide newspaper of general circulation or of circulation in those portions of the State where the affected operations are conducted; (b) delivered to the Town Clerk of the Town of Salisbury; and (c) delivered to all customers located in the new franchise territory; such publication and service to be accomplished no later than fourteen (14) days from the date of the Commission's approval order and to be documented by affidavit filed with the Commission no later than fourteen (14) days from the date of publication and service.

18. **SECOND**, that the Commission shall provide an opportunity for any person interested in this petition to submit written comments and/or offer oral comments to the Commission within a reasonable time following the Commission's approval order.

**V. Request for Relief**

WHEREFORE, KTC respectfully requests that the Commission:

- A. Approve the petition to transfer the relevant franchise obligations from Consolidated to KTC and to modify the respective territory boundaries of the Salisbury and Franklin Telephone Exchanges as described above, subject to the aforesaid conditions; and
- B. Grant such other relief as is just and appropriate.

Respectfully submitted,

KEARSARGE TELEPHONE COMPANY  
d/b/a TDS Telecom

By: Primmer Piper Eggleston & Cramer PC,  
Its Attorneys

Date: February 14, 2022

By: /s/ Paul J. Phillips  
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](mailto: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 counsel for the New Hampshire Commission of Energy, to counsel for the Office of Consumer Advocate, and to an authorized representative of Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications—NNE.

Dated: February 14, 2022

/s/ Paul J. Phillips  
Paul J. Phillips, Esq.