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Admitted in New Hampshire and Vermont

VIA U.S. MAIL AND ELECTRONIC MAIL

April 12, 2022

Hon. Daniel C. Goldner, Chair
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301

Re: DT 22-007 (Petition of Kearsarge Telephone Company)

Dear Chair Goldner:

Enclosed for filing, on behalf of Kearsarge Telephone Company d/b/a TDS Telecom in the above-referenced proceeding, is a paper copy of an "Affidavit of Publication and Mailing," prepared by the undersigned counsel in compliance with Order No. 26,602 (April 1, 2022), an Order *Nisi* Approving Franchise Boundary Change.

An electronic version of the enclosure is being transmitted to you separately via electronic mail, with electronic service to the New Hampshire Department of Energy and the Office of the Consumer Advocate as indicated below.

Please let me know if you have any questions.

Very truly yours,

/s/ Paul J. Phillips

Paul J. Phillips
Counsel for Kearsarge Telephone Company d/b/a TDS Telecom

Enclosure

cc: David K. Wiesner, Esq., New Hampshire Department of Energy
D. Maurice Kreis, Esq., Office of the Consumer Advocate
Sarah Davis, Esq., Consolidated Communications
Joel Dohmeier, TDS Telecom

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

DT 22-007

KEARSARGE TELEPHONE COMPANY

Petition to Modify Service Territory Boundaries in the Town of Salisbury

AFFIDAVIT OF PUBLICATION AND MAILING

NOW COMES Paul J. Phillips, upon oath, being duly sworn, and states as follows:

1. I represent Kearsarge Telephone Company d/b/a TDS Telecom (“KTC”), in the above-captioned docket, which involves KTC’s proposed modifications of certain service territory boundaries that it shares with Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications—NNE (“Consolidated”) in the Town of Salisbury.

2. On April 1, 2022, the New Hampshire Public Utilities Commission (“the Commission”) issued Order No. 26,602, an Order *Nisi* Approving Franchise Boundary Change (the “Order *Nisi*”).

3. In the Order, the Commission directed KTC to take, *inter alia*, the following actions:

a. Cause a copy of the Order *Nisi* to be published in a newspaper of general circulation or of circulation in those portions of the State where the affected operations are conducted, such publication to be documented by affidavit filed with the Commission on or before April 27, 2022; and

b. Cause a copy of the Order *Nisi* to be delivered by first-class mail to each affected property owner and to the Town Clerk of Salisbury, New Hampshire, such delivery to be postmarked no later than April 6, 2022, and documented by affidavit filed with the Commission on or before April 27, 2022.

4. On behalf of KTC, I caused a copy of the Order *Nisi* to be published on April 11, 2022, in the *New Hampshire Union Leader*, a true and accurate copy of such publication being attached here as **EXHIBIT “A”**.

5. On behalf of KTC, I caused a copy of the Order *Nisi* to be mailed, by first class U.S. mail with a postmark date of April 6, 2022, to the Town Clerk of Salisbury, New Hampshire, and

to each location listed on Exhibit KTC-5 (List of Affected Addresses) to KTC's Petition in this proceeding, a true and accurate copy of the mailing to the Town Clerk being attached here as **EXHIBIT "B-1"**, and a true and accurate copy of the transmittal letter to one such location being attached here as **EXHIBIT "B-2"**.¹

6. The present Affidavit complies with the documentation requirements of the Order *Nisi*.

Dated at Manchester, New Hampshire, this 12th day of April, 2022.

Respectfully submitted,

KEARSARGE TELEPHONE COMPANY,
d/b/a TDS Telecom

By: Primmer Piper Eggleston & Cramer PC,
Its Attorneys

By: Paul J. Phillips
Paul J. Phillips (N.H. Bar # 20788)
Primmer Piper Eggleston & Cramer PC
900 Elm Street, 19th Floor
Manchester, NH 03101
(603) 626-3300
pphillips@primmer.com

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH, ss.

At Manchester, County of Hillsborough, State of New Hampshire, this 12th day of April, 2022, the above-named, Paul J. Phillips, personally appeared before me and subscribed and swore to the foregoing instrument as representing his free act and deed.



Valerie S. Guay
Notary Public/~~Justice of the Peace~~
My Commission Expires: 10/17/2023

¹ Three of the locations were listed on Exhibit KTC-5 only with longitude and latitude values. Further verification of the three street addresses (300/308/548 North Road) resulted in the mailings to these locations being postmarked on April 8, 2022.

Legal Notice

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES
COMMISSION
DT 22-007
KEARSARGE
TELEPHONE COMPANY
Petition to Modify Service
Territory Boundaries in the
Town of Salisbury
Order Nisi Approving
Franchise Boundary Change
ORDER NO. 26,802
April 1, 2022**

This order modifies a franchise boundary between Kearsarge Telephone Company (KTC) and Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications - NNE (Consolidated), to allow KTC to provide telephone and other services, including high-speed fiber-fed internet service, to 27 residential locations in the northeast corner of the Town of Salisbury (Salisbury). This order is issued on a nisi basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On February 14, 2022, KTC filed a Petition to Modify Service Territory Boundaries in Salisbury. KTC also provided maps showing the proposed boundary modification.

On March 24, 2022, at the request of the Commission, the New Hampshire Department of Energy (Energy) filed a memorandum, in which it recommended approval of the petition.

The petition and subsequent docket filings, other than any information for which confidential treatment has been requested or granted by the Commission, are posted at <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-007.html>.

II. SUMMARY OF THE PETITION

KTC is an incumbent local exchange carrier (ILEC) operating as an excepted local exchange carrier (ELEC) with a service territory including most of Salisbury. Consolidated is an ILEC operating as an ELEC with a service territory including a portion of Salisbury not served by KTC. KTC represented that Consolidated supports the proposed boundary modification in Salisbury.

KTC wishes to expand its service territory to serve 27 customers located in part of the section of Salisbury in which Consolidated presently provides service as the ILEC out of the Franklin Telephone Exchange. KTC proposes to modify the existing service territory boundary between it and Consolidated so that the identified portion of Salisbury would be joined with the Salisbury Telephone Exchange.

KTC stated that it would become the ILEC in those areas but Consolidated would continue to maintain its facilities and would be able to provide service to any customer that desired to receive service from Consolidated. KTC noted that it is an established ILEC in the area, having served customers in Salisbury since 1899. KTC proposed that the Commission grant its petition subject to certain conditions. Those conditions include: "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" and that the Commission provide an opportunity for interested persons to provide comments on an approval order. Petition at 4.

III. DEPARTMENT OF ENERGY RECOMMENDATION

Energy stated that its staff reviewed KTC's petition and supporting documentation and conducted informal discovery with KTC and Consolidated. Energy determined that the request was based on Salisbury's request for KTC to extend its fiber optic service, including high-speed fiber-fed internet service, to the 27 homes that are the subject of the petition.

According to Energy, the 27 customers affected by the proposed boundary modification could remain with Consolidated or take service from KTC, and that any customer choosing KTC voice service would need to change their landline telephone number. Energy stated that it had determined that KTC has the technical, managerial, and financial expertise necessary to carry out the obligations of an ILEC as described in RSA 362:8 and RSA 374:22-p and recommended that the Commission grant KTC's petition.

IV. COMMISSION ANALYSIS

The relevant statutory criteria for approval of the transfer of a portion of an ILEC's service territory is set forth in RSA 374:30, II. The Commission must approve such a transfer if it finds that the transferee utility will maintain the technical, managerial, and financial capability to perform the obligations of an ILEC as set forth in RSA 362:8 and RSA 374:22-p. See RSA 374:30, II. The applicable standard focuses not on general end user services, but on basic service and wholesale services provided by the ILEC, and the

technical, managerial, and financial capability to continue to provide those services following the transfer. See *Dunbarton Telephone Company, Inc.*, Order No. 26,380 (July 13, 2020).

We note that KTC is a long-standing ILEC, now operating as an ELEC, in New Hampshire. See, e.g., *Kearsarge Telephone Co., Wilton Telephone Co., Hollis Telephone Co. and Merrimack County Telephone Co.*, Order No. 25,182 at 27-30 (December 22, 2010). We also note the Department of Energy's determination that KTC has the technical, managerial, and financial expertise necessary to carry out the obligations of an ILEC. Based on that history, we find that KTC is technically, managerially, and financially capable of maintaining the obligations of an ILEC as required by RSA 374:30, II. We therefore approve KTC's petition, on a nisi basis, so that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

In addition to incorporating KTC's proposed conditions into our order, we also will require that revised franchise maps be filed with the Commission, as a compliance filing in this docket.

Based upon the foregoing, it is hereby

ORDERED NISI, that, subject to the effective date below, the petition of Kearsarge Telephone Company to modify its service territory boundary in Salisbury, New Hampshire, is GRANTED; and it is

FURTHER ORDERED, that Kearsarge Telephone Company shall cause a copy of this order nisi to be published newspaper of general circulation or of circulation in those portions of the State where the affected operations are conducted, such publication to be documented by affidavit filed with the Commission on or before April 27, 2022; and it is

FURTHER ORDERED, that Kearsarge Telephone Company shall cause a copy of this order nisi to be delivered by first class mail to each affected property owner and to the Town Clerk of Salisbury, New Hampshire, such delivery to be postmarked no later than April 6, 2022, and documented by affidavit filed with the Commission on or before April 27, 2022; and it is

FURTHER ORDERED, that persons interested in responding to this order nisi be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than April 18, 2022, for the Commission's consideration; and it is

FURTHER ORDERED, that persons interested in responding to such comments or request for hearing shall do so no later than April 25, 2022; and it is

FURTHER ORDERED, that this order nisi shall be effective on

May 2, 2022, unless Kearsarge Telephone Company fails to satisfy the publication and delivery obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Kearsarge Telephone Company shall electronically file into this docket copies of the relevant franchise maps no later than 15 days from the effective date of the order.

By order of the Public Utilities Commission of New Hampshire this first day of April, 2022.

Daniel C. Goldner
Chairman
Pradip K. Chattopadhyay
Commissioner
Carleton B. Simpson
Commissioner

(UL - Apr. 11)



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F 603 626 0997

Admitted in New Hampshire and Vermont

April 6, 2022

Jim Zink-Mailloux, Town Clerk
Town of Salisbury, NH
9 Old Coach Road
P.O. Box 2
Salisbury, NH 03268

RE: Regulatory Changes in Your Local Telephone Service

Dear Mr. Zink-Mailloux:

The New Hampshire Public Utilities Commission (NHPUC) has conditionally approved a request from TDS Telecom to provide local telephone service in your area. Up until now, Consolidated Communications, Inc., has been the incumbent (default) provider of local telephone service to your location.

In an Order issued on April 1, 2022 (see attached), the NHPUC authorized TDS Telecom to take responsibility as the incumbent local telephone service provider in your area. If given final approval, TDS Telecom will begin providing local telephone service, cable television service, and high-speed Internet access service at symmetrical speeds of up to 1 Gigabyte/second. The transition involves certainly regulatory changes in your local telephone service, as described in the attached NHPUC Order.

As the NHPUC Order indicates, customers have until April 18, 2022, to file an objection to the proposed service area change or to request a hearing at the NHPUC.

If the NHPUC receives no objections, the attached Conditional Approval Order will become final on May 2, 2022, at which time TDS Telecom will begin offering telephone, Internet, and cable television service in your area.

TDS Telecom welcomes the opportunity to be your local service provider.

Sincerely,

/s/ Paul J. Phillips

Paul J. Phillips
Attorney for TDS Telecom

Attached: NHPUC Order No. 26,602 (Docket DT 22-007) (April 1, 2022)



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CRAMER PC

900 Elm St., 19th Floor | P.O. Box 3600 | Manchester, NH 03105-3600

LEGAL NOTICE ENCLOSED—DO NOT DISCARD

Jim Zink-Mailloux, Town Clerk
Town of Salisbury, NH
9 Old Coach Road
P.O. Box 2
Salisbury, NH 03268

FIRST-CLASS

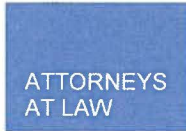


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EXHIBIT "B-2"
(page 1 of 2)



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F 603 626 0997

Admitted in New Hampshire and Vermont

April 6, 2022

Local Telephone Customer
7 Montgomery Road
Salisbury, NH 03268

RE: Regulatory Changes in Your Local Telephone Service

Dear Local Telephone Customer:

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Sincerely,

/s/ Paul J. Phillips
Paul J. Phillips
Attorney for TDS Telecom

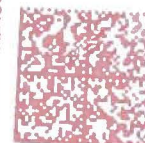
Attached: NHPUC Order No. 26,602 (Docket DT 22-007) (April 1, 2022)



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LEGAL NOTICE ENCLOSED—DO NOT DISCARD

Local Telephone Customer
247 North Road
Salisbury, NH 03268