

**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

O R D E R N O. 26,602

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 of 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 longstanding 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

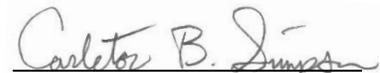
FURTHER ORDERED, that this order *nisi* shall be effective on May 2, 2022, unless Kearsarge Telephone Company fails to satisfy the publication and delivery obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

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

Service List - Docket Related

Docket# : 22-007

Printed: 4/1/2022

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