

STATE OF NEW HAMPSHIRE**Before the****PUBLIC UTILITIES COMMISSION****Docket No. DT 22-047**

**CHARTER COMMUNICATIONS, INC., COGECO US FINANCE, LLC
d/b/a BREEZELINE, AND COMCAST CABLE COMMUNICATIONS, LLC
Petition for Resolution of Rate Dispute**

**CONSOLIDATED COMMUNICATIONS OF NORTHERN NEW ENGLAND
COMPANY, LLC'S OBJECTIONS TO SET ONE DATA REQUESTS PROPOUNDED
BY JOINT PETITIONERS**

NOW COMES Consolidated Communications of Northern New England Company, LLC ("Consolidated") and pursuant to N.H. Code Admin. R. Puc 203.09 (g), hereby object to the data requests (collectively, the "Requests" and individually, each being a "Request") propounded by Charter Communications, Inc., Cogeco US Finance, LLC d/b/a Breezeline, and Comcast Cable Communications, LLC (collectively, "the Petitioners"), on the grounds specified below and as of December 31, 2022.

GENERAL OBJECTIONS

1. Consolidated generally objects to the Requests to the extent that they seek information or documents protected from disclosure by the attorney-client privilege, work product doctrine, common defense doctrine, and/or any other applicable privilege, rule, or duty of confidentiality to third parties that precludes or limits the production or disclosure of information or documents. Accordingly, Consolidated interprets the Requests as not requiring disclosure of such protected

information or documents. Nothing contained in Consolidated's responses is intended to, or in any way shall be deemed, a waiver of such applicable privilege, doctrine, rule, or duty. In responding to each Request, Consolidated will not provide privileged or otherwise protected information or documents.

2. Consolidated generally objects to the Requests as burdensome, oppressive, and harassing to the extent that they seek production of information or documents that have no bearing on the issues in the docket, relate to a separate proceeding, and/or are neither relevant to the subject matter of the pending docket nor reasonably calculated to lead to the discovery of admissible evidence.

3. Consolidated has not fully completed its investigation into the facts pertaining to this docket, has not completed its discovery, and has not completed its preparation for any evidentiary hearing. Responses will be based only on such information and documents as are presently available and known to Consolidated. This anticipated further discovery, investigation, legal research, and analysis may supply additional facts and may establish information that may vary from that set forth in any Consolidated responses. Consolidated's responses will be without prejudice to Consolidated's right to introduce evidence of any subsequently discovery fact(s) or circumstance(s).

4. Consolidated objects to each Request that is overly broad, unduly burdensome, exceeds reasonable limits of discovery and is not calculated to lead to the discovery of admissible evidence. Consolidated also generally objects to each Request to the extent that its seek information that is proprietary, competitively and/or commercially sensitive, and/or subject to confidential treatment.

**Consolidated Communications of Northern New England Company, LLC d/b/a
Consolidated Communications**

Docket No. DT 22-047

Date Request Received: 12/22/2022

Date of Response:

Request No.: Joint Petitioners 1-01

Page 1 of 1

Request from: New England Cable and Telecommunications

Witness: Sarah Davis, Senior Director Government Affairs

Regarding Attachment SD-1 to the Prefiled Testimony of Sarah Davis, please provide:

- a) all work papers for Attachment SD-1;
- b) all source documents used or referred to in the preparation of Attachment SD-1; and
- c) the names, positions and titles of all individuals who assisted in developing Attachment SD-1 and the work papers and source documents identified in response to subparts a) and b), above.

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these or any other objections, Consolidated responds as follows:

- a) **Please see Consolidated's Excel spreadsheet attached to this Response to Joint Petitioners Data Request 1-01.**
- b) **Consolidated used for the preparation of SD-1 the information filed in Docket DE 21-020 when ordered to produce a 2020 ARMIS report similar to the 2017 ARMIS report with the exception of the accumulated depreciation. Please also see Consolidated's Excel spreadsheet attached to this Response to Joint Petitioners Data Request 1-01, which provides the accumulated depreciation based on an approximate 18-year useful life (annual depreciation rate of 5.8%).**
- c) **Michael Shultz, Senior Vice President Regulatory & Public Policy**

**Consolidated Communications of Northern New England Company, LLC d/b/a
Consolidated Communications**

Docket No. DT 22-047

Date Request Received: 12/22/2022

Date of Response:

Request No.: Joint Petitioners 1-02

Page 1 of 1

Request from: New England Cable and Telecommunications

Witness: Sarah Davis, Senior Director Government Affairs

In NH PUC Docket No. DE 21-020, NH Department of Energy posed to the Joint Petitioners Data Request DOE 6-04 which asked the following:

Reference the December 6 information provided in response to NECTA 2-019 and 3-020. Please explain the derivations of the values presented for “Gross Investment Poles” of \$63,350,000, “Accumulated Depreciation Poles” of \$35,765,000 and “Net Non-Current Deferred Operating Income Taxes Poles” of \$4,865,000. In the development of these values as of Dec 2020, were the values from FairPoint’s 2017 FCC Paper Report 43-01 provided in response to Staff 1-031 as Attachment Staff 1-031 used as a “starting point” and “aged” to develop the new values? If so, please provide and describe the calculations performed to produce the 2020 values. If not, please provide and describe the calculations used to develop these 2020 values.

The response provided to the above-stated data request, in relevant part, was as follows:

Consolidated Communications therefore began the December 6 analysis using the values on Consolidated Communications’ books and records as of the time of the closing of the acquisition of FairPoint Communications on July 3, 2017.... The July 3, 2017 values were rolled forward to December 2020 using the related ILEC accounting data under Consolidated Communications ownership. Regarding the Net Non-Current Deferred Operating Income Taxes Poles, the amount is derived by multiplying the difference between federal tax and GAAP basis in the poles by the Consolidated Communications deferred tax rate of 26.08%. The attached Excel files are provided: (i) the December 6 filing with the Commission in this Docket, (ii) Confidential CCNE 2020 Expenses NNE NH All Mrkts, and (iii) Confidential CCNE 2020 Plant and AccDepr NNE NH.

a) Please provide and describe the calculations used to develop the 2020 values for “Gross Pole Investment,” “Accumulated Depreciation Poles,” and “Net Non-Current Deferred Operating Income Tax Poles,” for both the original 2020 ARMIS information dated December 6, 2021 provided in DE 21-020 pursuant to Order No. 26, 534, and the revised 2020 ARMIS information provided in Attachment SD-1 to the Prefiled Testimony of Sarah Davis dated December 15, 2022.

- b) To the extent not otherwise provided in response to subpart a) above, please identify and describe all data used in the calculations for “Gross Pole Investment,” “Accumulated Depreciation Poles,” and “Net Non-Current Deferred Operating Income Tax Poles,” for both the original and revised 2020 ARMIS information in Attachment SD-1, including data values hardwired or linked to other external worksheet files, and provide supporting documentation for those data values.
- c) To the extent not otherwise provided in response to a) above, please provide the corresponding calculations for Total Plant Investment in Service.

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Consolidated objects on the grounds that the Request calls for the disclosure of competitively sensitive commercial and financial information that is protected by RSA 91-A:5, IV from public disclosure, and is also overly broad and unduly burdensome.

Without waiving these or any other objections, Consolidated responds as follows:

- a) Gross Pole Investment for both the information filed in Docket DE 20-021 and in Attachment SD-1 is the gross pole investment on Consolidated’s financial books and records as of December 2020. Accumulated Deferred Income Tax was the calculated as described in Consolidated response in Docket DE 20-021 as referenced above. The value of the Accumulated Depreciation Poles filed in Docket DE 20-021 was calculated using accelerated depreciation based upon an approximate 5-year useful life for poles. The information presented in Attachment SD-1 was calculated based on a regulatory depreciation rate (i.e., an approximate 18-year useful life; an annual depreciation rate of 5.8%).**
- b) Please see (a) above and Consolidated’s Response to Joint Petitioners Data Request 1-01(a).**
- c) The corresponding value for Total Plant in Service is \$395.4 million.**

**Consolidated Communications of Northern New England Company, LLC d/b/a
Consolidated Communications**

Docket No. DT 22-047

Date Request Received: 12/22/2022

Date of Response:

Request No.: Joint Petitioners 1-03

Page 1 of 1

Request from: New England Cable and Telecommunications

Witness: Sarah Davis, Senior Director Government Affairs

Please refer to page 11, line 20 of Ms. Davis's Prefiled Testimony dated December 15, 2022 which states that the case involving the pending pole sale transaction with Eversource "should be resolved soon." Please state the date when Consolidated expects the above-described case to be resolved, and describe the anticipated resolution.

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these or any other objections, Consolidated responds as follows:

At the time Consolidated filed its prefired testimony in this Docket, Consolidated believed that Eversource and Consolidated would make a determination regarding a pole sale transaction in Docket DE 21-020. Since then, NECTA has filed a Motion for a Rehearing in Docket DE 21-020. Consolidated therefore cannot respond at this time to the Joint Petitioners Data Request 1-03.

**Consolidated Communications of Northern New England Company, LLC d/b/a
Consolidated Communications**

Docket No. DT 22-047

Date Request Received: 12/22/2022

Date of Response:

Request No.: Joint Petitioners 1-04

Page 1 of 1

Request from: New England Cable and Telecommunications

Witness: Sarah Davis, Senior Director Government Affairs

Please state whether Consolidated is willing to negotiate with the Joint Petitioners on an expedited basis for a reduction in their pole attachment rates while maintaining all of the other terms and conditions of the Joint Petitioners' respective pole attachment agreements with Consolidated.

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. Consolidated also objects to this Request as it seeks information related to settlement or settlement positions of Consolidated.

Without waiving these or any other objections, Consolidated responds as follows:

Consolidated does not know the Joint Petitioners' definition of the phrase "expedited basis" and noticeably absent from the data request is a reference to good faith negotiations. Should the Joint Petitioners engage in good faith negotiations, they may find there are terms and conditions that warrant revision in the existing Pole Attachment Agreements. Consolidated would negotiate in good faith and would commit to the Joint Petitioners retaining their attachments on the poles during the pendency of such negotiations.