

STATE OF NEW HAMPSHIRE

Before the

PUBLIC UTILITIES COMMISSION

Docket No. DT 23-103

CONSOLIDATED COMMUNICATIONS HOLDINGS, INC. AND

CONDOR HOLDINGS LLC

JOINT PETITION TO APPROVE TRANSFER OF CONTROL

Petition to Intervene

Pursuant to RSA 541-A:32 and N.H. Admin. Rule, Puc 203.17, and the provisions of the Order of Notice issued in this proceeding on February 16, 2024, the New Hampshire Electric Cooperative, Inc. (“NHEC”) hereby requests full intervenor status in the above-captioned matter. NHEC’s rights, duties, privileges, immunities and other substantial interests may be affected by the proceeding. In support of its Petition to Intervene, NHEC states as follows:

1. On December 27, 2023, Consolidated Communications Holdings, Inc. (“CCHI”) and Condor Holdings LLC (“Condor”) filed a joint petition (“Joint Petition”) requesting that the Commission approve CCHI’s transfer of an indirect ownership interest in Consolidated Communications of Northern New England Company, LLC (“CCNE”) and Consolidated Communications of Maine Company (“CCM”) (CCNE and CCM collectively referred to herein as the “Licensees”) to Condor pursuant to RSA 374:30, II.
2. The Joint Petition states that after the proposed transfer of control, “the Licensees will continue to own their respective New Hampshire franchises, works, and systems as wholly owned subsidiaries of Consolidated Communications, Inc.

(“CCI”), an Illinois corporation, which is itself a wholly owned subsidiary of CCHI.” Joint Petition at 1-2. The Joint Petition states the transfer “will have no impact on the day-to-day operations of the Licensees,” and that customers “will not experience any changes in services or rates, terms, and conditions of service.” *Id.* at 11. The Joint Petition claims that CCHI is committed to “honoring the Licensees’ obligations as the largest ILEC-ELEC in New Hampshire.” *Id.*

3. Pursuant to RSA 374:30, II, excepted local exchange carriers such as the Licensees may transfer their franchises, works or systems if the entity 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. The Joint Petition claims that CCHI and Condor possess such capabilities. Joint Petition at 2.
4. NHEC and one of the Licensees, CCNE, each own proportionate numbers of utility poles, anchors and guys that both entities rely upon to provide their respective services. These “joint use” poles are located within the service territories served in common by both NHEC and CCNE. Each owner is responsible for ensuring that the joint use poles that it owns are suitable for joint use by both entities. The responsibilities of the two joint use pole owners are governed by a contract entitled “General Agreement Joint Use of Wood Poles,” dated July 1, 1977, as amended on August 7, 2003, and March 31, 2008, and Inter-company Operating Procedures, as amended from time to time.
5. A responsible joint pole owner must devote adequate labor and financial resources to inspect and maintain its joint use poles, to install new joint use poles

in a timely manner, to replace joint use poles in a timely manner, to transfer its facilities from replaced poles to newly installed poles, to avoid double pole issues by removing replaced poles, to fulfill its obligations to maintain its rights-of-way, and to respond adequately to emergencies. The question whether CCNE is fulfilling one of these obligations, to commit sufficient resources to maintain its right-of-way, is subject to a breach of contract proceeding pending in New Hampshire Superior Court.¹

6. Given the dependence of NHEC on joint use poles owned by CCNE, there is a need to ensure that the entity to which CCNE is being transferred is technically, managerially, and financially capable of maintaining CCNE's obligations as an ILEC joint pole owner in New Hampshire. As such, NHEC has a direct and substantial interest in this proceeding. NHEC's primary interest is that the proposed transfer of control transaction, if approved, will make certain that the entity controlling CCNE will provide the resources and commitment to ensure:
 - a. CCNE will provide reasonable, safe and adequate utility service;
 - b. CCNE will address its obligations as a responsible ILEC joint pole owner; and
 - c. all of NHEC's members will receive adequate, just and reasonable service regardless of whether the joint use poles used to provide that service are owned by NHEC or CCNE.

¹ *New Hampshire Electric Cooperative, Inc. v. Consolidated Communications of Northern New England Company, LLC*, Docket No. 216-2020-CV-00555, N.H. Sup. Ct., Hillsborough, SS. Northern District (Complaint filed Jul. 31, 2020).

WHEREFORE, NHEC respectfully requests full party intervenor status in this proceeding and requests such further relief as may be just and equitable.

Respectfully submitted this 8th day of March, 2024.

By:  _____

Thomas B. Magee
Liam F. Fulling
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
(202) 434-4100
magee@khlaw.com
fulling@khlaw.com

Attorneys for
New Hampshire Electric Cooperative, Inc.