

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

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

Procedural Order Re: Additional Briefing

On March 20, 2023, Charter Communications, Inc., Cogeco US Finance, LLC d/b/a Breezeline, and Comcast Cable Communications, LLC (together, the Petitioners) filed a motion for rehearing/reconsideration and request for oral hearing (Motion). Consolidated Communications of Northern New England Company, LLC (Consolidated) filed an objection on March 27, 2023 (Objection).

In their Motion, the Petitioners requested the Commission to consider new evidence concerning Consolidated's announcement "on February 22, 2023 that it was awarded \$40 million in American Rescue Plan Act ('ARPA') funding to build fiber to nearly 25,000 unserved homes throughout New Hampshire." Motion at 32.

The Petitioners argued new evidence is relevant to the Commission's analysis under New Hampshire Code of Administrative Rules, Puc 1303.06(a)(4) and could not have been presented prior to the Commission's final order in this matter. According to the Petitioners, the Commission must therefore grant the Motion and schedule a new hearing to receive new evidence into the evidentiary record of this proceeding. The Petitioners, however, did not clearly indicate what evidence they intend to submit should the Commission grant their motion and schedule this matter for further hearing.


By rule, the Commission excludes irrelevant, immaterial, or unduly repetitious evidence in its adjudicative proceedings. N.H. Admin. R., Puc 203.23(d). Accordingly, the

Commission requests that the Petitioners clearly identify the proposed newly discovered evidence they seek to introduce, including any proposed exhibits. The Petitioners brief shall be limited to 10 pages to inform the Commission concerning the evidence they wish to introduce, the relevance and probative value of the proposed evidence, and why this specific evidence could not have been introduced prior to the Commission's final order. See N.H. Admin. R., Puc 203.32. The Petitioners shall file such a brief no later than April 11, 2023.

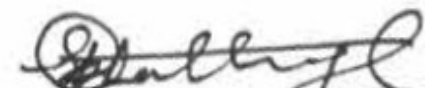
Consolidated will have until April 18, 2023 to submit a maximum 10-page reply brief as to the admissibility of the proposed evidence, including relevance and materiality. Consolidated shall also indicate whether, if the Commission were to accept the Petitioners' proposed evidence into the record, an opportunity to submit a document impeaching or rebutting late-filed exhibits without further hearing adequately protects their right of cross-examination under RSA 541-A:33, IV, or whether an additional hearing must be scheduled.

All other parties to this proceeding shall have until April 18, 2023 to make their positions, if any, known on the above issues. No filing may exceed 10 pages.

So ordered, this thirty-first day of March, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 22-047

Printed: 3/31/2023

Email Addresses

ClerksOffice@puc.nh.gov
sarah.davis@consolidated.com
Energy-Litigation@energy.nh.gov
thomas.c.frantz@energy.nh.gov
sgeiger@orr-reno.com
patrick.mchugh@consolidated.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
mike.shultz@consolidated.com
Matthew.C.Young@energy.nh.gov