

DT 99-183

CONVERSENT COMMUNICATIONS OF NEW HAMPSHIRE LLC AND BLD, INC.

**Application of Conversent Communications of New Hampshire, LLC to
Purchase BLD, Inc. in New Hampshire**

Order Approving the Purchase Agreement

O R D E R N O. 23,366

December 13, 1999

On November 18, 1999, Conversent Communications of New Hampshire, LLC, (Conversent) and BLD, Inc. (BLD) jointly filed a "Letter of Notification" (LON) informing the New Hampshire Public Utilities Commission (Commission) of the intention to enter into a Purchase Agreement and Sales Agreement. Pursuant to Puc 1304.03(c) BLD requests approval for its cessation of business in New Hampshire following completion of the transaction. Conversent, formerly known as NEVD of New Hampshire, LLC (NEVD-NH), notified the Commission November 22, 1999 of its name change with the filing of its current Secretary of State Certificate of Existence dated November 19, 1999. NEVD-NH received its authority to provide telecommunication services in New Hampshire on August 16, 1999, and was previously authorized to operate under the name of New England Voice and Data, LLC. BLD received its authorization from the Commission on June 17, 1997 with Order No. 22,627 (DE 97-092).

The LON states that Conversent and BLD have entered into an agreement wherein Conversent will purchase the franchise, works and system of BLD in New Hampshire, including BLD's customer base. Conversent proposes to incorporate BLD tariffed prices, terms and conditions of service into Conversent tariffs to service current BLD customers. The LON references that BLD customers will not be affected adversely by the proposed transaction as all affected customers will be provided service at equivalent or lower rates. In compliance with requirements of RSA 374:28-a and Order No. 23,234 (June 14, 1999) in DT 99-077 RSL Com U.S.A., Inc., Conversent will notify all BLD customers in writing of the proposed change in telecommunications service providers upon completion of the transaction. Conversent will also inform the customers of their right to choose another long distance carrier and/or local exchange service provider. Following completion of the proposed transaction BLD will cease doing business in New Hampshire.

Pursuant to 374:30, we find the proposed transfer of the franchise, works and system will be for the public good. However, RSA 374:28-a prohibits a change in a customer's telecommunications carrier or provider without the customer's knowledge or consent. Customers should have adequate advance notice that this carrier proposes to stop serving them and of their ability to choose another carrier, and of the identity of the carrier that will be serving them if they do not make a

choice by the end of the period.

Based upon the foregoing, it is hereby

ORDERED, that the proposed transfer of the franchise, works and system of BLD, Inc. to Conversent Communications of New Hampshire LLC is GRANTED, subject to completion of the following conditions:

1) That BLD, Inc. shall inform its customers in writing, in a manner meeting the approval of the Consumer Affairs Department of the Commission, of the fact that it has ceased operations in New Hampshire, that its customers will be served by Conversent Communications of New Hampshire LLC, that they have the opportunity to choose another long distance carrier, that they have until a date not less than fourteen days after the date of the notice to choose another long distance carrier, and that should its customers not choose another such carrier, Conversent Communications of New Hampshire LLC will be the default carrier; and

2) That before the notice period begins, Conversent Communications of New Hampshire LLC shall file tariff pages encompassing the services provided by BLD, Inc, pursuant to which it will provide service to those former customers of BLD, Inc who choose Conversent Communications of New Hampshire LLC as their intraLATA toll provider; as it is

FURTHERED ORDERED, that BLD, Inc. surrender its

certification in New Hampshire by filing a supplement canceling their existing tariff.

By order of the Public Utilities Commission of New Hampshire this thirteenth day of December, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary