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May 20, 2008

BY E-FILING and U.S. MAIL

Ms. Debra A. Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301



Re: Comcast Phone of New Hampshire, LLC Request for Authority
to Provide Local Telecommunications Services, DT 08-013

Dear Ms. Howland:

Enclosed for filing in the matter captioned above, please find the original and seven copies of proof of public notice consisting of the following:

1. May 9 Legal Notice;
2. Tear Sheet; and
3. Certificate of Service

Please note that the Tear Sheet is a .pdf copy. We will promptly substitute the original.
Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Kerry'.

Cameron F. Kerry

CFK/jdn

cc: Service Request by e-mail

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON

Legal Notice

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DT 08-013
Comcast Phone of New Hampshire, LLC
Request for Authority to Provide
Local Telecommunications Services
Order Suspending Order Nisi and
Scheduling Prehearing Conference
ORDER NO. 24,854

May 2, 2008

On December 12, 2007, Comcast Phone of New Hampshire ("Comcast") filed an application for authority to provide local exchange telecommunications services pursuant to RSA 374:22 and to do business as a competitive local exchange carrier ("CLEC") in the service territories of three affiliated incumbent local exchange carriers (ILECs) - Kearsarge Telephone Company, Merrimack County Telephone Company and Wilton Telephone Company, all subsidiaries of TDS Telecom. Comcast is a CLEC currently authorized to provide intrastate telecommunications services in the New Hampshire exchanges formerly served by Verizon and now served by Northern New England Telephone Operations, LLC d/b/a FairPoint Communications-NNE (FairPoint).

Comcast plans to provide access, exchange access, and interexchange service in the areas of Andover, Antrim, Bennington, Boscaawen, Chichester, Deerling, Henniker, Hillsboro, Hopkinton, Loudon, New London, Salisbury, Wilmot and Wilton served by the TDS companies. It is the first request for CLEC authorization to operate in a service territory in New Hampshire other than the former Verizon territory now served by FairPoint. The three ILECs affected by the petition each have fewer than 25,000 access lines. RSA 374:22 grants such ILECs' service territory exclusivity, but applicable federal law, 47 U.S.C. § 253(a), prohibits states from preventing any entity from providing intrastate or interstate telecommunications service.

On January 31, 2008, Comcast filed a letter requesting, to the extent necessary, a waiver of N.H. Code Admin. Rules Puc 431.01(d). This rule specifies that, unless denial of an application under Puc 431.02 is warranted, the Commission shall authorize "the applicant to provide competitive local exchange service in the territory of non-exempt ILECs" (emphasis added), defined in Puc 402.33 as ILECs that are "not exempt pursuant to 47 U.S.C. § 251(f), i.e., not subject to the so-called 'rural exemption' from otherwise applicable requirements under federal law to interconnect with competing carriers." Comcast maintained that Puc 431.01(d) should not be read as prohibiting registration of CLECs to operate in such territories, further contending that such a limitation would be contrary to both RSA 347:22-g and federal law.

The TDS companies filed a second letter on January 31, 2008, stating that they had not waived their 47 U.S.C. § 251(f) rural exemption, but noting their non-objection to Comcast's request for CLEC registration. By memorandum filed on March 12, 2008, the Staff of the Commission recommended approval of the Comcast application.

On April 4, 2008, we issued an order nisi granting Comcast's CLEC application. On April 16, 2008, the TDS companies filed a motion to suspend the order nisi until issuance of an order approving a settlement in Docket No. DT 07-027, concerning the TDS companies' request for an alternative form of regulation pursuant to RSA 374:3-b. In the alternative, the TDS companies requested a hearing. On April 21, 2008, the New Hampshire Telephone Association (NHTA) filed an objection to the order nisi and requested a hearing on the Comcast CLEC application. The TDS Companies and NHTA raised concerns about the type of services Comcast would be offering; the Commission's statutory authority to approve the application and the process for interconnection with the TDS companies' networks. Comcast filed objections to the TDS and NHTA pleadings on April 30, 2008 and May 2, 2008, respectively.

Each party has the right to have an attorney represent them at their own expense.

Based upon the foregoing, it is hereby ORDERED, that Order No. 24,843 granting the application of Comcast Phone of New Hampshire, LLC for authority to provide access, exchange access and interexchange telecommunications services in the service territories of Kearsarge Telephone Company, Merrimack County Telephone Company and Wilton Telephone Company, is SUSPENDED, pending further Commission action; and it is

FURTHER ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 21, 2008 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Comcast, the Staff of the Commission and any Intervenor hold a Technical Session to review the petition and allow Comcast to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, Comcast notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than May 9, 2008, in one or more newspapers with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before May 21, 2008; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Comcast and the Office of the Consumer Advocate on or before May 16, 2008, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by

N.H. Admin. Rule Puc 203.17 and RSA 541-A:32, (b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 21, 2008.

By order of the Public Utilities Commission of New Hampshire this second day of May, 2008.

Thomas B. Getz, Chairman
Graham J. Mortson, Commissioner
Clifton C. Beltra, Commissioner
(UL - May 9)

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DT 08-013**

**Comcast Phone of New Hampshire, LLC
Request for Authority to Provide
Local Telecommunications Services
Order Suspending Order N14 and
Scheduling Prehearing Conference
ORDER NO. 24,848**

MAY 2, 2008

On December 12, 2007, Comcast Phone of New Hampshire (Comcast) filed an application for authority to provide local exchange telecommunications services pursuant to RSA 374:22 and to do business as a competitive local exchange carrier (CLEC) in the service territories of three affiliated incumbent local exchange carriers (ILECs): Kearsarge Telephone Company, Merrimack County Telephone Company and Wilton Telephone Company (all subsidiaries of TDS Telecom). Comcast is a CLEC currently authorized to provide interstate telecommunications services in the New Hampshire exchange territory served by Verizon and now served by Northern New England Telephone Operations, LLC (NNE), FairPoint Communications NNE (FairPoint). Comcast plans to provide access, exchange access, and interexchange service in the areas of Andover, Antrim, Bathingburg, Boscawen, Chichester, Deering, Henniker, Hillsborough, Hopkinton, Loudon, New London, Salisbury, Wilton, and Wilton, served by the TDS companies. It is the first request for CLEC authorization to operate in a service territory in New Hampshire other than the former Verizon territory now served by FairPoint. The three ILECs affected by the petition each have fewer than 25,000 access lines. RSA 374:22 grants such ILECs service territory exclusivity, but applicable federal law, 47 U.S.C. § 253(a), prohibits action from preventing any entity from providing interstate or interstate telecommunications services.

On January 31, 2008, Comcast filed a letter requesting to the extent necessary, a waiver of N.H. Code Admin. Rules Puc 431.01(d). This rule specifies that, unless denied an application under Puc 431.02 is warranted, the Commission shall authorize the applicant to provide competitive local exchange service in the territory of non-exempt ILECs (emphasis added), defined in Puc 402.33 (as ILECs that are "not exempt pursuant to 47 U.S.C. § 253(a)(1)"; not subject to the so-called "rural exemption" from otherwise applicable requirements under federal law to interconnect with competing carriers). Comcast transmitted that Puc 431.01(d) should not be read as prohibiting registration of CLECs to operate in such territories further contending that such a limitation would be contrary to both RSA 374:22 and federal law.

The TDS companies filed a second letter on January 31, 2008, stating that they had not waived their 47 U.S.C. § 253(a) rural exemption, but noting their non-objection to Comcast's request for CLEC registration. By memorandum filed on March 12, 2008, the Staff of the Commission recommended approval of the Comcast application.

On April 4, 2008, we issued an order nisi granting Comcast's CLEC application. On April 16, 2008, the TDS companies filed a motion to suspend the order nisi until issuance of an order approving a settlement in Docket No. DT 07-027, concerning the TDS companies' request for an alternative form of regulation pursuant to RSA 374:3-b. In the alternative, the TDS companies requested a hearing. On April 21, 2008, the New Hampshire Telephone Association (NHTA) filed an objection to the order nisi and requested a hearing on the Comcast CLEC application. The TDS Companies and NHTA raised concerns about the type of service Comcast would be offering, the Commission's statutory authority to approve the application and the precedent for interconnection with the TDS companies' networks. Comcast filed objections to the TDS and NHTA pleadings on April 30, 2008 and May 2, 2008, respectively.

Each party has the right to have an attorney represent them at their own expense.

ORDERED, that Order No. 24,848 granting the application of Comcast Phone of New Hampshire, LLC for authority to provide access, exchange access, and interexchange telecommunications services in the service territories of Kearsarge Telephone Company, Merrimack County Telephone Company and Wilton Telephone Company, is **SUSPENDED**, pending further Commission action and it is so.

FURTHER ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 211 S. Fruit St., Suite 10, Concord, New Hampshire on May 21, 2008 at 10:00 a.m. at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be completed and it is so.

FURTHER ORDERED, that, immediately following the Prehearing Conference, Comcast, the Staff of the Commission, and any intervenors hold a Technical Session to review the petition and allow Comcast to provide any amendments or updates to its filing and it is so.

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, Comcast notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than May 9, 2008, in one or more newspapers with general circulation in those portions of the state in which operations are conducted; publication to be accompanied by affidavit filed with the Commission on or before May 21, 2008; and it is so.

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Comcast and the Office of the Consumer Advocate on or before May 16, 2008; such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding as required by N.H. Admin. Rule Puc 203.17 and RSA 341-A:32, (b); and it is so.

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 21, 2008.

By order of the Public Utilities Commission of New Hampshire this second day of May, 2008.

Thomas B. Geitz, Chairman
Graham J. Morrison, Commissioner
Clifton C. Below, Commissioner

I hereby certify that the foregoing notice was published in The Union Leader and/or New Hampshire Sunday News, newspapers printed at Manchester, N.H., by the Union Leader Corporation on the following dates, Viz: 5/9/08.

(Signed)

Nathalie Lavalley

UNION LEADER CORPORATION

State of New Hampshire,
Hillsborough, SS.

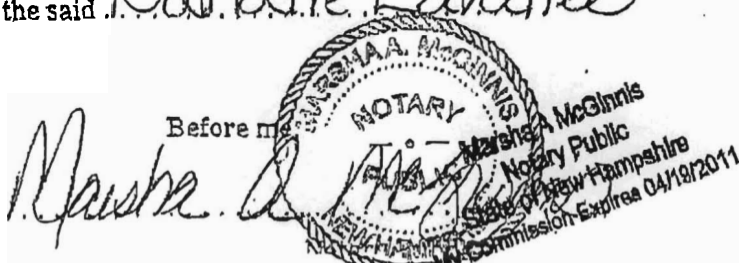
(Dated)

5/20/08

Subscribed and sworn to by the said

Nathalie Lavalley

Before me



STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

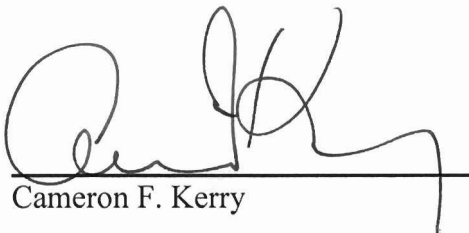
Comcast Phone of New Hampshire, LLC Request
Request for Authority to Provide
Local Telecommunications Services

DT 08-013

CERTIFICATE OF SERVICE

I, Cameron F. Kerry, hereby certify that I have this 20th day of May, 2008, served the foregoing documents by email, on all parties of record:

1. May 9 Legal Notice; and
2. Tear Sheet;


Cameron F. Kerry