

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 08-013

Comcast Phone of New Hampshire, LLC

**Request for Authority to Provide
Local Telecommunications Services**

Petition of New Hampshire Telephone Association to Intervene

Pursuant to RSA 541-A:32 and N.H. Admin. Rules Puc 203.17, New Hampshire Telephone Association, a New Hampshire voluntary corporation having its principal office at 600 South Stark Highway, Weare, New Hampshire (“NHTA”) hereby petitions to intervene in the above-docketed proceeding (the “Docket”), and in support of its Petition, states as follows:

1. NHTA is an association of small incumbent local exchange carriers operating in New Hampshire. NHTA’s members include Merrimack County Telephone Company, Granite State Telephone, Inc., Kearsarge Telephone Company, Inc., Wilton Telephone Company, Inc., Hollis Telephone Company, Dunbarton Telephone Company, Inc., Northland Telephone Company of Maine, Inc., Bretton Woods Telephone Company, Inc., and Dixville Telephone Company.

2. As incumbent local exchange carriers (ILECs), each of the NHTA member companies provides (among other things) access services to interexchange carriers.

3. Each of NHTA’s members, including the TDS Companies (hereinafter defined), is a “rural telephone company” as defined within the Communications Act of 1934, as amended (the “Act”). Specifically, each of the TDS Companies and the other members of NHTA meet the

standards set forth within Section 153(a)(37) of the Act and is entitled to the exemptions provided by Section 251(f) of the Act. *See* 47 U.S.C. § 153(a)(37) and § 251(f).

4. On or about December 12, 2007, Comcast Phone of New Hampshire, LLC (“Comcast Phone”) filed a Form CLEC-10, CLEC Application for Registration (the “Application”), seeking authority to provide certain telecommunications services as a competitive local exchange carrier (a “CLEC”) within the exchange areas served by Kearsarge Telephone Company, Merrimack County Telephone Company, and Wilton Telephone Company, Inc. (collectively, the “TDS Companies”). NHTA filed an objection to Comcast Phone’s Application on April 21, 2008 (“NHTA’s Objection”), and requested “...that this Commission commence an adjudicative proceeding and any other necessary investigation in order to consider all issues raised by the Comcast Phone [Application] request as set forth herein.” *See* NHTA’s Objection at 8. The Commission essentially granted NHTA’s request via the issuance of its order dated May 2, 2008, wherein the Commission suspended its previously issued Order *Nisi* dated April 4, 2008.

5. NHTA’s Objection sets forth multiple issues related to Comcast Phone’s Application, and the alleged services to be provided to residents of the TDS Companies’ service territory, all of which are incorporated herein by reference and not repeated for the Commission and the parties’ convenience. The Commission’s responses or rulings related to the issues raised within NHTA’s Objection directly and substantially impact NHTA’s members, and all other parties to this Docket.

6. NHTA has an interest in monitoring this Docket to ensure that NHTA member companies’ interests are accurately depicted and represented during the course of the investigation. NHTA further has an interest to the extent that any issues studied involve or relate

to the access services provided by the NHTA member companies.

7. Moreover, Comcast takes the position in this Docket that its Digital Voice service is not a telecommunication service. A Commission ruling on this issue will affect the NHTA companies in that it may be determinative of whether similar service in their service territories will be subject to Commission jurisdiction and interconnection requirements.

8. NHTA believes, and therefore avers, that the rights, duties, privileges, immunities and other substantial interests of the NHTA member companies may be affected by this proceeding.

9. NHTA's participation in this proceeding is in the interest of justice and will enhance the orderly and prompt conduct of this proceeding.

WHEREFORE, NHTA respectfully requests that the Commission grant this Petition to Intervene.

Respectfully submitted,

NEW HAMPSHIRE TELEPHONE
ASSOCIATION

By Its Attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: May 15, 2008

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a PDF copy of the foregoing objection was forwarded this day to the parties by electronic mail.

Dated: May 15, 2008

By: 
Frederick J. Coolbroth, Esq.
Patrick C. McHugh, Esq.