

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

2012 TERM

No. 2011-0762

**Appeal of Comcast Phone of New Hampshire, LLC and
Comcast IP Phone II, LLC**

**MOTION FOR EXTENSION OF TIME TO RESPOND
TO MOTION TO VACATE**

NOW COME the appellees, the incumbent carriers (excluding affiliates of FairPoint Communications, Inc.) of the New Hampshire Telephone Association, a New Hampshire voluntary corporation (the “RLECs”), and pursuant to Supreme Court Rule 21(5) respectfully request an extension of time to file their response to the Motion to Vacate Orders Under Review as Moot (“Motion to Vacate”) filed on August 21, 2012 by the appellants (collectively “Comcast.”) Responses to the Motion to Vacate are due August 31, 2012.

1. Comcast has requested that the Court vacate the Orders of the New Hampshire Public Utilities Commission (“Commission”) currently under review by this Court, in light of the newly-enacted 2012 N.H. Laws, Chapter 177 (“Senate Bill 48”). Comcast asserts that “Senate Bill 48 expressly prohibits the Commission from enforcing, either directly or indirectly, any rule or order that regulates or has the effect of regulating any VoIP service or any provider of VoIP service, the Orders no longer have any legal effect on Comcast.” Motion to Vacate at 4-5.

2. Senate Bill 48 is a groundbreaking and far reaching law, which ramifications are still being considered and debated by the Commission and industry participants. Furthermore, it may have significant bearing on the instant case. The RLECs, an association of small telephone companies have, due to vacation schedules, been unable to arrive at a full consensus in regard to

the Motion to Vacate. Thus, they respectfully request an extension of one week, until September 7, 2012, to file their response to the Motion.

3. In accordance with Supreme Court Rule 21(5), the undersigned attorney has contacted opposing counsel, who has indicated that she assents to this Motion.

WHEREFORE, for the reasons states above, the RLECs respectfully request that this honorable Court issue an order granting an extension of time of one week.

Respectfully submitted,

BRETTON WOODS TELEPHONE COMPANY,
INC.
DIXVILLE TELEPHONE COMPANY
DUNBARTON TELEPHONE COMPANY, INC.
GRANITE STATE TELEPHONE, INC.
HOLLIS TELEPHONE COMPANY, INC.
KEARSARGE TELEPHONE COMPANY
MERRIMACK COUNTY TELEPHONE
COMPANY
WILTON TELEPHONE COMPANY, INC.

By Their Attorneys,
DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: August 31, 2012

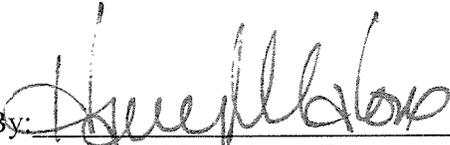
By:  _____

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CERTIFICATE OF SERVICE

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

Dated: August 31, 2012

By: 

Harry N. Malone, Esq.