

STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: August 8, 2011
AT (OFFICE): NHPUC

FROM: Jennifer Ducharme, Utility Analyst 
SUBJECT: DT 11-104, Pac-West Telecomm, Inc.
Application for Certification as a Competitive Local Exchange Carrier
TO: Debra Howland, Executive Director
Kate Bailey, Director, Telecommunications Division

On May 13, 2011, Pac-West Telecomm (Pac-West), Inc. submitted its application for certification as a Competitive Local Exchange Carrier (CLEC) and Certified Toll Provider (CTP). Staff reviewed the application and contacted the Company regarding certain issues with the filing. At that time, Pac-West was requesting statewide certification. Staff spoke with Pac-West and explained that due to the Supreme Court ruling in *Appeal of Union Telephone Company*, 160 N.H. 309 (May 20, 2010), any applicant requesting statewide certification would be subject to a hearing before the Commission. The Company noted that it would not be entering any area other than that of the non-exempt ILEC, FairPoint Communications, and amended its application to include only the FairPoint service territory on July 15, 2011.

Additionally, Staff had been waiting on proper rate schedules for Pac-West. On July 26, 2011, the Company filed updated rate schedules with the Commission in order to complete its applications. Staff noted that the filing still did not meet the requirements of N.H. Admin Rule Puc 431.06, and furthermore, Pac-West had only listed wholesale switched access service offerings in its rate sheets. As Pac-West's service offering will be limited to wholesale service, it will not be conveying telephone messages to the public as contemplated by RSA 362:2. Given Pac-West's current business plan, it does not need certification as a public utility. Accordingly, Staff recommends that Docket No. DT 11-104 be closed.

