

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 11-248

**FairPoint Communications, Inc.
Municipal Property Tax Surcharge**

**OBJECTION TO
GEORGE E. SANSOUCY, P.E., LLC'S PETITION FOR INTERVENOR STATUS**

NOW COMES Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE ("FairPoint") and respectfully objects to the Petition for Intervenor Status filed by George E. Sansoucy, P.E., LLC ("Sansoucy"). In support of this objection, FairPoint states as follows:

On November 15, 2011, FairPoint filed a tariff revision seeking to implement a surcharge to cover all or a portion of property taxes that it anticipates will be assessed by New Hampshire municipalities for the April 1, 2011 through March 31, 2012 tax year. FairPoint's filing asserted that at the time of the filing it had received invoices from 44 municipalities and that an additional 45 had indicated that they would likely soon bill FairPoint.

On November 28, 2011, the Commission issued an Order in which it suspended the tariff filing and scheduled a hearing to address the propriety of temporary rates, pursuant to RSA 378:27, and to take preliminary statements on any of the issues of note. Furthermore, the Order provided that parties seeking to intervene in the proceeding should do so on or before December 9, 2011 by petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding. On December 1, 2011 Sansoucy, a consultant who conducts consulting and valuation of public utility infrastructure, timely

petitioned to intervene on behalf of himself (and ostensibly 35 cities and towns).

Preliminarily, the Commission should note that, while the Sansoucy petition purports to represent the interests of his clients, the only interest asserted by Sansoucy relates to the assessments he performed on behalf of various municipalities. The Sansoucy Petition states as its sole grounds for intervention that “it is likely that a number of the tax bills related to the proceeding were based on valuations prepared by Sansoucy for his client towns and cities in New Hampshire.” In other words, Sansoucy seeks to participate in this proceeding as a witness to his own work, rather than to advance any particular position of relevance to the tariff filing.

Rule Puc 203.17 provides that “the commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.” RSA 541-A:32, I, provides that the presiding officer shall grant one or more petitions for intervention if, among other things:

(b) The petition states facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

Sansoucy’s petition fails on both prongs. Sansoucy has not identified any “rights, duties, privileges, immunities or other substantial interests” affected by this proceeding. It is undisputed that municipalities now have the authority to levy the tax. It is similarly undisputed that the municipalities exercised that authority and levied a new tax on FairPoint. Those facts are not at issue in this proceeding. The tax bills speak for themselves.

The Commission is simply not the proper forum for disputes over property assessments. Property taxes are set in the first instance by local governments and reviewed, if at all, by either the Board of Tax and Land Appeals, *see* RSA 76:16-a, or the Superior Court of the county in

which the municipality is located, *see* RSA 76:17. The Commission is not empowered to adjust tax rates and assessments set by the municipalities. Therefore, this proceeding will in no way address the underlying methodologies and conclusions used by Sansoucy.

In addition to the lack of any dispute about a right or interest of Sansoucy's, the public interest is not served by Sansoucy's intervention. Sansoucy, in fact, makes no express argument on this point and proffers no evidence to establish how the public interest is served by his participation in this proceeding. If anything, Sansoucy's participation will simply increase the cost and complexity of this proceeding by raising matters that are not in dispute.

CONCLUSION

Sansoucy asserts interests that will in no way be affected by the tariff filing. Sansoucy's participation in this proceeding will only serve to inject distractions and interfere with the orderly and prompt conduct of this proceeding, and will contribute nothing of relevance to the record that is not already known. The interests of justice will not served by Sansoucy's participation and, in fact, will in all likelihood be harmed by such participation. Accordingly, FairPoint respectfully requests that the Commission deny Sansoucy's petition to intervene.

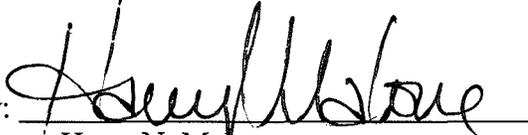
Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC, D/B/A
FAIRPOINT COMMUNICATIONS-NNE

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

Dated: December 14, 2011

By:

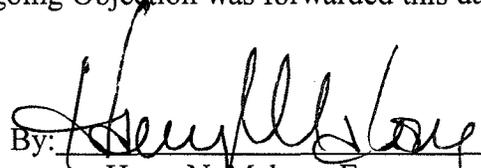
A handwritten signature in cursive script, appearing to read "Harry N. Malone", written over a horizontal line.

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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: December 14, 2011

By: 
Harry N. Malone, Esq.