

THE STATE OF NEW HAMPSHIRE

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September 6, 2012

Re: DT 12-084, Time Warner Entertainment Company, LP d/b/a Time Warner Cable
Petition for Resolution of Dispute with Public Service Company of New Hampshire
Ruling on Public Service Company of New Hampshire and Unitil Energy Systems, Inc.
Motion to Modify Procedural Schedule

To the Parties:

On August 31, 2012, Public Service Company of New Hampshire and Unitil Energy Systems, Inc. (the Companies) filed a motion to modify the procedural schedule due to the late intervention filed by eleven New Hampshire incumbent local exchange carriers that are members of the New Hampshire Telephone Association (the Eleven ILECs). The motion requests that (i) the schedule be adjusted to extend by one month all of the remaining scheduled dates in this proceeding, permitting the Eleven ILECs time to submit any testimony by no later than September 14, 2012, if they desire to do so, or (ii) if the Commission rejects the requested extension, a second pre-hearing conference be held at the earliest possible date to allow all parties to reach agreement on an adjustment to the present procedural schedule.

The Companies assert that they do not have any assurances that the Eleven ILECs will not seek to submit testimony or submit data requests on the pole owning entities' testimony. They further argue that the Eleven ILECs' position with respect to the subject matter is unclear from their intervention, and without an opportunity to question the Eleven ILECs prior to the technical session to be held one week before the evidentiary hearing, the Companies will have little time to prepare their case.

On August 21, 2012, the Eleven ILECs had petitioned the Commission to intervene and participate as a group. The petition noted that a 360-day timeframe governs the docket, a schedule has been set, testimony has been filed by the attaching entities and data requests pertaining to that testimony have been submitted. The petition further stated that the Eleven ILECs do not seek to disturb the established procedural schedule and will accept the record as they find it. On August 31, 2012, the Commission granted the petition to intervene.

The motion appears to assume, incorrectly, that the Eleven ILECs seek to file testimony and conduct discovery as attaching entities, i.e., as entities that attach wires and to poles owned by other entities. However, the Commission granted their petition on the basis of their representations in the petition and specifically on the understanding that there would be no

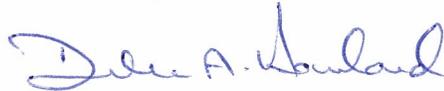
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changes to the approved procedural schedule. In addition, none of the parties filed any objections to the petition. Accordingly, the Commission denies the Companies' motion to modify the procedural schedule.

Because the time has passed for attaching entities to file testimony and for discovery via data requests to be conducted on attaching entity testimony, the Eleven ILECs are not permitted to file direct testimony as attaching entities or conduct discovery via data requests on attaching entity testimony. In addition, since the Eleven ILECs are not permitted to file direct testimony as attaching entities, they will not be permitted to file reply testimony as reply testimony is reserved for attaching entities. Consistent with the approved procedural schedule, however, the Eleven ILECs, acting as a group, are permitted to file testimony as pole owners on September 14, 2012 and, like the other pole owners, are subject to discovery on their pole owner testimony via data requests, and may initiate discovery on the other pole owners' testimony, during October 2012. The Companies also have the opportunity to participate in the technical session to be held on November 7, 2012, which the Eleven ILECs are hereby directed to attend whether or not they file testimony as pole owning entities.

Sincerely,



Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 12-084-1 Printed: September 06, 2012

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.