

Before the New Hampshire Public Utilities Commission

DT 07-027

Kearsarge Telephone Company, Wilton Telephone Company,  
Hollis Telephone Company and Merrimack County Telephone Company  
Petition for an Alternate Form of Regulation

**OFFICE OF CONSUMER ADVOCATE'S  
STATEMENT ON COMMISSION'S LEGAL AUTHORITY**

1. The New Hampshire Public Utilities Commission ("Commission") convened a final hearing in this matter on December 4 and 5, 2007. Just prior to adjourning the hearing, the Commission asked the parties supporting the proposed settlement agreement to address the legal basis for the Commission to approve the proposed settlement agreement. *See* Transcript, Day 2, December 5, 2007, pp. 169-170.
2. Kearsarge Telephone Company, Wilton Telephone Company, Hollis Telephone Company and Merrimack County Telephone Company (Companies) filed their petitions for an alternative form of regulation (AFOR) pursuant to RSA 374:3-b. *See, e.g.*, Order of Notice, April 10, 2007, p. 1.
3. RSA 347:3-b, III sets forth six prerequisites which must exist for the Commission to approve an AFOR plan.
4. The settlement agreement proposes permitting an AFOR for the Companies upon the passage of certain time periods, or when certain triggering events occur in the future.
5. When it agreed to the terms of the settlement agreement, the OCA believed they would result in a better outcome than the AFOR plans as originally proposed by TDS.
6. The Commission must determine whether, consistent with RSA 374:3-b, it may approve the proposed settlement agreement. Because the petitions were filed pursuant to RSA 374:3-b, the OCA does not address the extent to which any other legal authority for approval of the proposed settlement exists.
7. The OCA respectfully defers to the Commission the interpretation of the evidence in the record under the legal requirements of RSA 374:3-b.

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Re TDS Petitions for AFOR  
OCA's Statement on Commission's Legal Authority

Respectfully submitted,



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CERTIFICATE OF SERVICE

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

February 8, 2008



Meredith A. Hatfield