

**BEFORE THE  
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Petitions of Kearsarge Telephone Co., Wilton	)	
Telephone Co., Hollis Telephone Co. and	)	Docket No. DT 07-027
Merrimack County Telephone Co. for Approval of	)	
Alternate Form of Regulation	)	
	)	

**RESERVATION OF RIGHTS OF COMCAST PHONE OF NEW HAMPSHIRE, LLC TO MOVE TO COMPEL RESPONSES TO DATA REQUESTS TO THE TDS COMPANIES**

In accordance with the procedural schedule in this docket, on April 24, 2009, Comcast Phone of New Hampshire, LLC (“Comcast”) served its *First Set of Data Requests* (the “Data Requests”) upon Kearsarge Telephone Company, Wilton Telephone Company, Hollis Telephone Company and Merrimack County Telephone Company (collectively, the “TDS Companies”). At the time the Data Requests were served, the Commission had under advisement the *Memorandum of Comcast Phone of New Hampshire, LLC on the Scope of Proceeding* and the *Reply of [the TDS Companies] to Memorandum of Comcast Phone of New Hampshire, LLC on Scope of Proceeding*. Comcast and the TDS Companies disagree on whether several of Comcast’s Data Requests fall within the scope of this proceeding. In the cover e-mail serving the Data Requests, Comcast’s counsel acknowledged that it was “serv[ing] the attached requests today to preserve [Comcast’s] rights in light of the schedule agreed to by the parties in this docket.” The TDS Companies timely filed an objection to the Comcast Data Requests on the grounds that each of the Data Requests was not relevant and because they sought confidential information.

Presently, the scope issue presented by Comcast and responded-to by the TDS Companies remains under advisement with the Commission. Comcast does not wish to delay these proceedings or cause either itself or the TDS Companies to incur unnecessary costs

associated with filing a motion to compel the merits of which will no doubt be clearer once the Commission issues its guidance on the scope of this proceeding. Moreover, Comcast does not wish to burden the Commission with a motion containing issues that may be narrowed by the Commission's decision on scope. Therefore, at this time Comcast simply reserves the right to move to compel discovery responses subject to the Commission's clarification or order on the scope of this proceeding.

Once the Commission does issue a clarification or ruling, Comcast will promptly determine whether to take any further action on its data requests. To the extent Comcast does believe a motion to compel is warranted, it will first confer with the TDS Companies' counsel in an effort to narrow the issues to be presented to the Commission, and then will file any necessary motion within a reasonable period of time.

Respectfully submitted,



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Dated: May 22, 2009

Attorneys for Comcast Phone of  
New Hampshire, LLC

**CERTIFICATE OF SERVICE**

I, Paul D. Abbott, hereby certify that I have, this 22nd day of May, 2009, served the foregoing document, by email, on all parties of record.

  
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Paul D. Abbott

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