

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 07-027

Kearsarge Telephone Company, Wilton Telephone Company, Inc.,
Hollis Telephone Company, Inc. and Merrimack County Telephone Company
Petition for Alternative Form of Regulation

**MOTION OF MERRIMACK COUNTY TELEPHONE COMPANY
TO HOLD OPEN THE RECORD**

Merrimack County Telephone Company (“MCT”), petitioner in the above-docketed proceeding, hereby requests that the New Hampshire Public Utilities Commission (the “Commission”) hold open the record in this proceeding for an additional ninety (90) days. In support of its motion, MCT states as follows:

1. MCT serves the exchanges of Antrim, Bradford, Contoocook, Henniker, Hillsborough, Melvin Village, Sutton and Warner. In its Order No. 25,103 issued on May 14, 2010 (the “Order”), the Commission determined that MCT had not demonstrated that competitive alternatives are currently available to a majority of customers in each of these exchanges.¹

2. The Order provided, however, that

[t]he presence of Comcast as a CLEC in the exchanges of Antrim, Contoocook, Henniker, Hillsborough and Melvin Village will be sufficient to demonstrate that a competitive alternative is available, on condition that within 30 days TDS submits evidence, such as through an affidavit with supporting documentation such as advertisements, establishing that a voice service *is currently being offered in those exchanges.*²

¹ The Order states that it is not the Commission’s final order for purposes of RSA 541:3. Order at 28. MCT respectfully reserves its rights to seek rehearing and to appeal with respect to a final order when issued.

² Order at 21 (emphasis original).

3. Concurrently with this Motion, MCT is filing the Affidavit of Thomas E. Murray attesting to evidence that competitive voice service is currently being offered in the Antrim, Contoocook, Henniker, Hillsborough and Melvin Village exchanges, and thus a competitive alternative exists in those exchanges.³

4. In the Order, the Commission also found that, by means of a drive test of the same kind used to validate coverage by wireless carriers,

the evidence supports a conclusion and finding that a majority of [MCT's] customers in the Sutton exchange have access to wireless telephone service at their premises that is at least adequate in strength and quality to provide a competitive alternative to [MCT's] wireline service.⁴

Accordingly, a competitive alternative exists in the Sutton exchange, leaving only the Bradford and Warner exchanges for which MCT need establish that a competitive alternative exists.

5. Through the Commission's analysis, the Order established clear guidelines regarding the type and quantity of evidence required to show the availability of wireless service as a competitive alternative. While MCT believes that the evidence it submitted previously showed that a majority of customers in all exchanges have wireless access, the Order provides clarity with regard to the type of evidence that will meet the Commission's standards. Therefore, MCT is currently preparing drive tests, to be conducted in a manner consistent with those already accepted by the Commission, for the Bradford and Warner exchanges, and possible other exchanges as MCT deems appropriate. MCT expects to have, within 90 days, results that will establish in the same manner as shown for Salisbury and Sutton that competitive alternatives

³ Further investigation of competitive voice offerings in the Melvin Village exchange has determined that Time Warner Inc. is the competitive carrier in the Melvin village exchange, and not Comcast as TDS previously stated. (Unlike other Adelphia properties, this franchise was acquired by Time Warner, not Comcast.) Thus, Mr. Murray's affidavit includes evidence of Time Warner's voice offerings in Melvin Village

⁴ Order at 22.

exist in the Bradford and Warner exchanges as well. Consequently, MCT requests that the Commission hold open the record in this proceeding for a corresponding amount of time.

6. Grant of this request is in the interest of efficiency and judicial economy, and enjoys a favorable precedent. In its Order No. 24,852 in this proceeding, (“Initial Order”), the Commission found that while the TDS Companies had demonstrated that competitive alternatives were available to a majority of the customers of Wilton Telephone Company and Hollis Telephone Company, they had not demonstrated that competitive alternatives were available to the majority of customers in each of the exchanges for Kearsarge Telephone Company (“KTC”) and MCT. Accordingly, the Commission held the record open for one year to allow for the submission of further evidence concerning alternative service availability in the KTC and MCT service territories.

7. This plan served the Commission and other parties well. In January 2009, KTC and MCT filed additional evidence which resulted in conditional approval of the KTC plan, pending affidavits (filed on June 11, 2010) establishing that a voice service is currently being offered in all of KTC’s exchanges. This evidence also contributed to the above referenced findings that a competitive alternative is available in all but MCT’s Bradford and Warner exchanges.

8. Furthermore, the Commission and other parties have invested considerable time and effort in developing and presenting their cases in regard to MCT’s plans. Grant of this request will preserve those investments and ensure that the carefully prepared record does not go stale.

WHEREFORE, MCT respectfully requests that the Commission grant this motion and hold open the record in this proceeding 90 days until September 12, 2010.

Respectfully submitted,

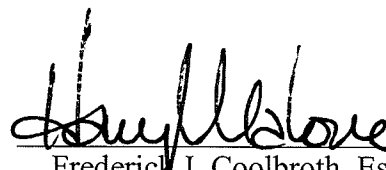
MERRIMACK COUNTY TELEPHONE
COMPANY

By its Attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated June 14, 2010

By:



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