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-STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: Oct 3, 2012
AT (OFFICE): NHPUC

FROM: Les Stachow, Telecommunications Division



SUBJECT: DT 12-178, BCN Telecom, Inc. f/k/a NUI TELECOM, INC
Intrastate Access Reform

TO: Commissioners
Debra Howland, Executive Director

On July 2, 2012, BCN Telecom, Inc, ("BCN") filed NHPUC mandated rate sheets containing proposed changes to its NH Intrastate Access Service rate schedule, to comply with the Federal Communications Commission (FCC) Report and Order FCC 11-161.

FCC Order 11-161 requires that CLECs reduce their revenue from intrastate switched access rates by one half of the difference between the revenue from intrastate access as recorded during the fiscal year October 1, 2010 through September 30, 2011 (FY 2011), and the revenue that would have been produced using interstate rates and FY 2011 intrastate demand. Carriers are allowed to calculate the allowed revenue and create a rate design to produce the allowed revenue. On Sept 27, 2012 BCN submitted required worksheets in support of its petition as required by the Commission.

Staff reviewed the BCN filing and determined that the proposed revisions are consistent with the requirements of the FCC Order.

Though submitted after the July 1, 2012 deadline established by the FCC, Staff recommends approval of this filing, to go into effect as proposed, on July 3, 2012 consistent with the requirement of RSA 378:2 that schedules filed pursuant to the requirements of a duly constituted federal authority conform, as nearly as may be, with the requirements of that authority. To the extent BCN may have billed rates after July 3, 2012 that are higher than those in its July 2, 2012 submission, Staff recommends that the Commission require BCN credit its customers any difference.