

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 14-102

WILLIAM G. WHALEN

**Complaint Against FairPoint Communications, Inc.
Rate Increase Dispute**

ORDER OF NOTICE

On March 24, 2014, William G. Whalen (Whalen) filed a complaint with the Commission against FairPoint Communications, Inc. (FairPoint), regarding rate increases reflected in bills received from FairPoint with respect to two landline services provided to his residence, one of which is on FairPoint's Measured Service and the other on FairPoint's Unlimited Local Service. Whalen claims that the Measured Service rate was \$6.06 last year and has increased to \$10.35, reflecting an increase of 70%, and that the Unlimited Local Service rate was \$14.39 last year and has increased to \$18.68, reflecting an increase of 30%. In each case, the FairPoint rate increase exceeds the 10% annual cap applicable to telephone "basic service" under RSA 374:22-p, VIII (b). Whalen's complaint was forwarded to FairPoint by the Commission's Consumer Affairs Division, with a request that FairPoint respond to the allegations in the complaint.

On April 2, 2014, a member of FairPoint's escalation group provided a response by electronic mail to Whalen's complaint. FairPoint maintained that neither of the lines serving Whalen's residence provide basic service because, with two landlines serving the home, Whalen does not have "single-party, single line voice service," a necessary element of "basic service" as defined in RSA 374:22-p, I (b). According to the FairPoint response, FairPoint "treats qualifying

single lines as basic service,” and Whalen has two lines and therefore no longer has single line service at this location. As such, each of the two lines is considered “nonbasic,” and the annual rate caps set forth in RSA 374:22-p, VIII (b) are not applicable to Whalen’s services.

The Commission will set this matter for hearing on May 7, 2014 at 10:00 a.m. In preparation for the hearing, FairPoint is directed to file within 10 business days a written statement of its position regarding Whalen’s complaint, addressing the following specific questions:

In the event Mr. Whalen discontinued either one of the two lines to his home, would FairPoint consider the remaining line, basic service?

If FairPoint would not consider either of these lines basic service if the other were discontinued, please identify each and every reason why the line would not, in FairPoint’s opinion, be basic service.

Identify where on your publicly available website the rates, fares, charges, prices, terms and conditions of basic service are described, pursuant to RSA 378:1-a.

Produce copies of any and all filings made pursuant to RSA 374:22-p VIII (c) regarding the rate for FairPoint’s basic service.

Whalen’s complaint and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission’s website at <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-102.html>.

The filing raises, *inter alia*, issues related to the statutory definition of telephone “basic service” under RSA 374:22-p, I (b) (1), and the annual caps applicable to basic service rate increases as set forth in RSA 374:22-p, VIII (b). Each participant has the right to have an attorney at the participant’s expense.

Based upon the foregoing, it is hereby

ORDERED, that FairPoint shall file a written statement of position addressing the questions specified above within 10 business days of the date of this Order of Notice; and it is

FURTHER ORDERED, that a Hearing be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, on May 7, 2014, at 10:00 a.m.; and it is

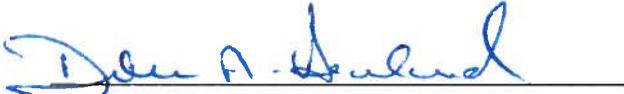
FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, FairPoint shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than April 22, 2014, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before May 2, 2014; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Whalen and FairPoint on or before May 2, 2014, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 7, 2014.

By order of the Public Utilities Commission of New Hampshire this fifteenth day of

April, 2014.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

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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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
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- 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.