

THE STATE OF NEW HAMPSHIRE

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February 22, 2017

Re: DT 16-872, Consolidated Communications Holdings, Inc.
Joint Petition for Findings in Furtherance of the Acquisition of FairPoint
Communications, Inc. and its New Hampshire Operating Subsidiaries
Directing Labor Interveners to Respond to FairPoint Objection to Motion to Compel

To the Parties:

On February 17, 2017, a Motion to Compel Discovery Responses (Motion) was filed by the Communications Workers of America (CWA) Local 1400 and the International Brotherhood of Electrical Workers (IBEW) Locals 2320, 2326, and 2327, that form the IBEW System Council T-9 (collectively, Labor Interveners). On February 21, 2017, Objections to the Motion were filed by Consolidated Communications Holdings, Inc. (CCHI) and by FairPoint Communications, Inc. (FairPoint).

The FairPoint Objection asserts that a response to Data Request Labor 11 cannot be provided based on the confidentiality restrictions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (HSR Act), 15 U.S.C. §18a(h), citing *Lieberman, et al. v. Federal Trade Commission*, 771 F.2d 32, 37 (2nd Cir. 1985). The Commission has determined that a response to that legal argument submitted by the Labor Interveners would assist in its resolution of the discovery dispute described in the Motion and the Objections.

Accordingly, the Labor Interveners are directed to file a response regarding the confidentiality restrictions of the HSR Act by the close of business on Friday, February 24, 2017. That response also should include confirmation whether or not the Labor Interveners have received a substantive response to any similar discovery request issued in the CCHI-FairPoint acquisition approval proceedings currently pending in Maine and Vermont.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Docket File
Service List

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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Docket #: 16-872-1 Printed: February 22, 2017

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
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21 S. FRUIT ST, SUITE 10
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- 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.