

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

**DT 16-872**

**CONSOLIDATED COMMUNICATIONS HOLDINGS, INC. et al.**

**Joint Petition for Findings in Furtherance of the Acquisition of FairPoint  
Communications, Inc. and its New Hampshire Operating Subsidiaries  
by Consolidated Communications Holdings, Inc.**

**CONSOLIDATED'S RESPONSE TO STAFF'S WRITTEN STATEMENT**  
**AND**  
**MOTION FOR REINSTATEMENT OF TECHNICAL SESSION**

In an effort to assist the Hearings Examiner in the discovery resolution session scheduled for March 21, 2017 in the above-captioned docket, Consolidated Communications Holdings, Inc. ("Consolidated") submits the following in response to Commission Staff's Written Statement dated March 15, 2017. In addition, Consolidated respectfully requests that the Commission reinstate the March 22, 2017 technical session that the Commission suspended *sua sponte* on March 17, 2017.

1. On February 17, 2017 Commission Staff ("Staff") propounded 165 data requests (containing approximately 373 individual questions) to Consolidated in the above-captioned docket.
2. On February 27, 2017, Consolidated provided Staff with Consolidated's objections to some of Staff's data requests. Many of those objections were based on the grounds that the request was unduly burdensome, irrelevant to the issues in this docket, and/or exceeded the Commission's limited regulatory authority over excepted local exchange carriers ("ELECs").

3. On March 1, 2017, Consolidated provided responses to 52 of Staff's first set of data requests. Consolidated provided responses to 39 additional Staff set one data requests on March 6, 2017, and also supplemented four (4) responses that had been submitted on March 1<sup>st</sup>.

4. On March 9, 2017, Staff provided Consolidated with an excel spreadsheet (*i.e.* a "matrix") outlining the status of each of Staff' set one data requests. Among other things, the matrix indicates responses to which a follow up question would be asked, and questions to which Consolidated objected but to which Staff believes a response is required. On March 13, 2017, Consolidated provided Staff with comments on the matrix.

5. On March 10, 2017, Staff propounded to Consolidated a second set of data requests consisting of 55 questions with subparts totaling approximately 150 data requests. Consolidated did not object to any of those requests.

6. On March 15, 2017, Staff filed written comments indicating, among other things, that "Staff believes that complete and adequate responses to all of the Data Requests must be provided by CCHI and by FairPoint, as applicable." Commission Staff's Written Statement Regarding Disputed Data Requests for Hearings Examiner's Resolution (March 15, 2017) ¶ 9.

7. Consolidated provided responses to **all** of Staff' second set of data requests on March 17, 2017.

8. By secretarial letter issued March 17, 2017, the Commission scheduled a meeting on March 21, 2017, the purpose of which is for the parties and Attorney Ross (in her capacity as Hearings Examiner) to attempt to resolve outstanding discovery issues.

9. Notwithstanding that Consolidated has objected to many of Staff's set one data requests, Consolidated is in the process of compiling answers to the majority of the data requests to which Consolidated has previously objected, and intends to provide responses by March 24,

2017. Consolidated intends to discuss its objections to the following data requests at the discovery dispute resolution session March 21, 2017: Staff 1-25; 1-64 (c); 1-92; 1-102; 1-158; and 1-162. At that session, Consolidated also expects to discuss the need for clarification of some of the other data requests listed on Staff's matrix.

9. On March 17, 2017, via secretarial letter, the Commission has *sua sponte* suspended the March 22, 2017 technical session in this docket pending resolution of outstanding discovery requests. For the reasons discussed below, Consolidated respectfully requests that the technical session be reinstated.

10. As noted by FairPoint Communications, Inc. ("FairPoint") its letter dated March 17, 2017 to Executive Director Howland, "the sheer volume of information requested by the New Hampshire Staff vastly dwarfs the amount of information requested by Staff's counterparts in the other northern New England states." Letter from Paul J. Phillips, Esq. to Debra Howland, Executive Director and Secretary (March 17, 2017), p. 2. While Consolidated understands and respects Staff's desire to thoroughly investigate the issues in this docket, it is troubled by the volume of data requests propounded by Staff, and is especially concerned about those requests seeking to elicit information regarding ELEC functions over which the Commission lacks regulatory authority. Consolidated is also very concerned about delaying the procedural schedule in this docket such that it would jeopardize the anticipated closing date for the transaction between FairPoint and Consolidated. Thus, Consolidated believes that the technical session should not be postponed.

11. Consolidated and FairPoint have attempted on several occasions to work with Staff and its consultant, Liberty Consulting Group ("Liberty") to explore a process for providing Staff and Liberty with needed information in a manner that is less formal and potentially more

expedient than responding in writing to hundreds of data requests, some of which concern topics over which the Commission lacks regulatory authority, or are only tangentially related to the core issues in this docket. Consolidated strongly believes that the technical session scheduled for March 22, 2017 would serve a very useful purpose and therefore it should not be rescheduled. Even if only some topics are covered, Consolidated believes that the technical session would provide Staff and the other parties with an excellent opportunity to review the numerous responses to data requests that Consolidated and FairPoint have provided thus far, and to have an informal discussion of the core issues in this proceeding.

12. In view of the foregoing, Consolidated respectfully requests that the technical session go forward on March 22, 2017 as originally scheduled.

Date: March 20, 2017

Respectfully submitted,

**Consolidated Communications Holdings, Inc.**

By its Attorneys,

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Certificate of Service

I hereby certify that a copy of the foregoing Response and Motion has on this 20th day of March, 2017 been sent by electronic mail to persons listed on the Service List.

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Susan S. Geiger

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