

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 19-117

GRANITE STATE TELEPHONE, INC.

**Petition to Modify Service Territory Boundaries with Consolidated Communications of
Northern New England Company, LLC d/b/a Consolidated Communications – NNE**

Order *Nisi* Approving Boundary Modifications

ORDER NO. 26,288

August 20, 2019

This order modifies Granite State Telephone, Inc.'s, service territory boundaries in Stoddard and Chester. The order is being issued on a *nisi* basis to ensure that customers and interested persons receive notice of the decision and have the opportunity to file comments or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY AND BACKGROUND

On July 2, 2019, Granite State Telephone, Inc. (GST), filed a petition pursuant to RSA 374:30, II, to modify service territory boundaries in the Towns of Stoddard and Chester, New Hampshire. GST shares these boundaries with Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications - NNE (Consolidated).¹

GST is an incumbent local exchange carrier (ILEC) that operates as an excepted local exchange carrier (ELEC). GST's basic franchise territory includes, as is relevant here, the Town of Washington and portions of the Town of Chester. Consolidated is also an ILEC operating as

¹ Although the petition refers to Northern New England Telephone Operations, tariffs reflecting the company's name change to Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE went into effect on February 27, 2019. See DT 19-021, *Secretarial Letter* (May 3, 2019).

an ELEC. Its basic franchise territory, as relevant here, also includes portions of Stoddard and Chester.

Commission Staff (Staff) filed a memorandum on July 23, 2019, recommending approval of GST's petition. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2019/19-117.html>.

II. POSITIONS

A. GST

GST requested modification of two of its existing service territory boundaries. The first boundary is the same as the municipal border separating the Towns of Washington and Stoddard. *See* Petition (Pet.), Attachment A. GST's basic franchise territory includes the northern part of Highland Lake in the Town of Washington. The southern part of Highland Lake, in the Town of Stoddard, is in Consolidated's basic franchise territory.

GST requested that its service territory boundary be modified to include the southern part of Highland Lake. In its petition, GST explained that, with the consent of Consolidated and Consolidated's predecessors, GST has been providing service to customers along the eastern and western shores of the southern part of Highland Lake in Stoddard since 1975 or earlier. It noted that there are approximately 96 locations in this area.

GST asserted that this boundary modification would adjust GST's basic franchise territory to reflect its agreement with Consolidated that GST may continue to provide service to the 96 locations in the proposed transfer area. According to GST, the modification would not involve the conveyance of any utility assets.

GST's modification request in the Town of Chester concerns a boundary separating the property of one GST customer adjacent to Lane Road. Although the southern portion of the property containing the customer's home is included in GST's franchise territory, the northern part of the property is included in Consolidated's territory. *See* Pet., Attachment B. In 2018, the customer built a second home in the northern part of the property, and the customer has requested that GST provide service to this new location. GST requested modification of its service territory boundary to include both the northern and southern portions of the customer's property.

GST represented that Consolidated agreed to the proposed modification because it would be more technically and economically efficient to use GST's existing facilities on the property to provide service to the second location. The modification would not involve the conveyance of any utility assets.

Regarding both requests, GST maintained that, as an established local exchange carrier, it has the technical, managerial, and financial capability to maintain the obligations of an ILEC set forth in RSA 362:8 and RSA 374:22-p in the proposed transfer area.

B. CONSOLIDATED

GST represented in its filing that it has obtained Consolidated's consent to the proposed modifications.

C. STAFF

Staff recommended that the Commission grant GST's petition. Staff noted that GST's proposed modifications to its service territory boundaries reflect the territory GST currently serves, and that Consolidated has consented to the modifications. According to Staff, GST is an established ILEC with a record of technical, managerial, and financial capability sufficient to

maintain the obligations of an ILEC, as set forth in RSA 362:8 and RSA 374:22-p, in the proposed transfer areas. Staff also recommended that GST and Consolidated file with the Commission properly annotated tariff pages, along with two copies of the relevant franchise maps, no later than 30 days from the effective date of the Commission's order.

III. COMMISSION ANALYSIS

The criteria contained in RSA 374:30, II govern an ELEC's transfer of any part of its franchise to another utility. *See Northland Telephone Co. of Maine, Inc.*, Order No. 26,202 at 4 (December 18, 2018). Pursuant to RSA 374:30, II, the Commission will approve a transfer if it finds "the utility to which the transfer is to be made is technically, managerially, and financially capable of maintaining the obligations of an incumbent local exchange carrier set forth in RSA 362:8 and RSA 374:22-p."

We find that GST has the requisite technical, managerial, and financial capability to acquire the proposed transfer areas from Consolidated, based on the petition and Staff's recommendation. The proposed modifications to GST's service territory boundaries in Stoddard and Chester would not involve the conveyance of any utility assets. The proposed boundary modification in Stoddard would align GST's franchise territory with the area to which it has been providing service since at least 1975. The proposed boundary modification in Chester would allow GST to use its existing facilities to provide service to a second location on its customer's property. Consolidated consented to these boundary modifications, and Staff has recommended approval. Accordingly, we grant GST's request to modify its service territory boundaries in Stoddard and Chester, as described in the petition and supporting documents.

We issue this order on a *nisi* basis to ensure that customers in the proposed transfer areas and other interested persons receive notice of the decision and have an opportunity to file

comments or request a hearing before the order becomes effective. We direct GST to notify all directly affected current customers, and the Towns of Stoddard and Chester, and to publish the order summary in the *Union Leader*.

Based upon the foregoing, it is hereby

ORDERED NISI, that the petition of Granite State Telephone, Inc., to modify its service territory boundaries by acquiring the specified portions of Consolidated's present franchise territories in Stoddard and Chester is APPROVED; and it is

FURTHER ORDERED, that Granite State Telephone, Inc., and Consolidated shall update their online rate schedule pages, and file with the Commission two copies of the relevant franchise maps, annotated with the effective date below and this order number, no later than 30 days from the effective date of this order; and it is

FURTHER ORDERED, that Granite State Telephone, Inc., shall provide a copy of this order to (i) the Town Clerks of Stoddard and Chester, New Hampshire, and (ii) all current customers located in the newly transferred franchise territories, by first class mail, no later than August 30, 2019, to be documented by affidavit filed with the Commission on or before September 17, 2019; and it is

FURTHER ORDERED, that Granite State Telephone, Inc., shall cause a summary of this order, issued concurrently with this order, to be published once in the *Union Leader*, such publication to occur no later than August 30, 2019, and to be documented by affidavit filed with the Commission on or before September 17, 2019; and it is

FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit comments or file a written request for a hearing that states the reason and basis for a hearing no later than September 6, 2019, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 12, 2019; and it is

FURTHER ORDERED, that this order shall be effective September 20, 2019, unless Granite State Telephone, Inc., fails to satisfy the notice and publication obligations set forth above, or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twentieth day of August, 2019.



Martin P. Honigberg
Chairman



Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



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