

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 20-100

DUNBARTON TELEPHONE COMPANY, INC.

**Petition of Dunbarton Telephone Company, Inc. for
Emergency Modification of Service Territory Boundary**

Order *Nisi* Approving Franchise Boundary Change

ORDER NO. 26,380

July 13, 2020

This order modifies a franchise boundary between Dunbarton Telephone Company and Consolidated Communications, to allow Dunbarton Telephone Company to provide telephone and other services, including broadband internet access, to ten residential locations in the southwest corner of the Town of Dunbarton. This order is issued on a *nisi* basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On June 26, 2020, Dunbarton Telephone Company, Inc., (DTC), filed a Petition for Emergency Modification of Service Territory Boundary with Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications – NNE (Consolidated). DTC also provided a map delineating the proposed boundary modification and copies of letters from the owners of nine of the ten affected service locations requesting assistance in acquiring high speed internet access.

In a memorandum dated July 7, 2020, Commission Staff (Staff) recommended approval of the petition. The petition and subsequent docket filings, other than any information for which

confidential treatment has been requested of or granted by the Commission, are posted at <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-100.html>.

II. SUMMARY OF THE PETITION AND STAFF RECOMMENDATION

DTC is an incumbent local exchange carrier (ILEC) operating as an excepted local exchange carrier (ELEC) with a service territory including most of the Town of Dunbarton, and portions of the Towns of Bow and Goffstown. Consolidated is an ILEC operating as an ELEC with a service territory including the portion of Dunbarton not served by DTC. DTC represented that Consolidated supports the proposed boundary modification in Dunbarton.

As stated in its petition, DTC wishes to expand its service territory to serve ten residential locations on Gorham Pond Road in the southwest corner of Dunbarton. Those ten locations are the only portion of Dunbarton that DTC does not currently serve. DTC proposed to modify the existing service territory boundary between it and Consolidated by making the exchange boundaries conform to the municipal boundaries that form the southwest corner of Dunbarton. DTC stated that its request originated from a petition for service addressed to the Dunbarton Town Clerk, as submitted by nine of the ten landowners who would be affected by the proposed boundary modification. DTC filed its petition on an emergency basis, citing the prospective customers' lack of reliable high-speed internet, a situation exacerbated by the coronavirus pandemic.

DTC requested that the Commission approve the proposed boundary modification on an expedited basis. DTC stated that the prospective customers' petition to the town clerk, as well as written notice to the tenth prospective customer location, are sufficient to satisfy the Commission's notice requirements and that no further public notice should be required.

Staff agreed that DTC is an established ILEC with a record of technical, managerial, and financial capabilities sufficient to maintain the obligations of an ILEC pursuant to RSA 362:8 and RSA 374:22-p. Staff confirmed that it reviewed DTC's petition and exhibits and recommended that the Commission approve the petition by order *nisi*. Staff also recommended requiring properly annotated tariff pages be filed with the Commission, along with two copies of the relevant franchise maps, no later than 15 days from the effective date of the order, citing the New Hampshire Code of Administrative Rules, N.H. Admin. R., Puc 1603.02. Staff further recommended that DTC be directed to publish a copy of the order *nisi* on its website, as well as to provide a copy of the order *nisi* to each of the ten landowners affected by the boundary change and to the Dunbarton Town Clerk.

III. COMMISSION ANALYSIS

The relevant statutory criteria for approval of the transfer of a portion of an ILEC's service territory is set forth in RSA 374:30, II. The Commission must approve such a transfer if it finds that the transferee utility will maintain the technical, managerial, and financial capability to perform the obligations of an ILEC as set forth in RSA 362:8 and RSA 374:22-p. *See* RSA 374:30, II. The applicable standard focuses not on general end user services, but on basic service and wholesale services provided by the ILEC, and the technical, managerial, and financial capability to continue to provide those services following the transfer. *See Bretton Woods Telephone Company, Inc.*, Order No. 26,314 at 5 (December 12, 2019).

We note that DTC is a longstanding ILEC, now operating as an ELEC, in New Hampshire. *See, e.g., Dunbarton Telephone Company*, Order No. 21,347 (September 12, 1994). Based on that history, we find that DTC is technically, managerially, and financially capable of maintaining the obligations of an ILEC as required by RSA 374:30, II. We therefore approve

DTC's petition, on a *nisi* basis, so that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

While Staff recommended that amended tariff pages be filed, ILECs that are ELECs are no longer required to maintain retail tariffs with the Commission. We therefore require only that revised franchise maps be filed with the Commission.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that, subject to the effective date below, the petition of Dunbarton Telephone Company, Inc., to modify its service territory boundary in Dunbarton, New Hampshire, is GRANTED; and it is

FURTHER ORDERED, that Dunbarton Telephone Company, Inc., shall cause a copy of this order *nisi* to be published on its website within one business day following the date of this order *nisi*, such publication to be documented by affidavit filed with the Commission on or before July 20, 2020; and it is

FURTHER ORDERED, that Dunbarton Telephone Company, Inc., shall cause a copy of this order *nisi* to be delivered by first class mail to each affected property owner and to the Town Clerk of Dunbarton, New Hampshire, such delivery to be postmarked no later than July 16, 2020, and documented by affidavit filed with the Commission on or before July 20, 2020; and it is

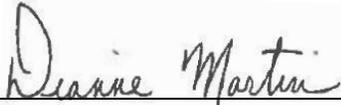
FURTHER ORDERED, that persons interested in responding to this order *nisi* be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than July 27, 2020, for the Commission's consideration; and it is

FURTHER ORDERED, that persons interested in responding to such comments or request for hearing shall do so no later than July 30, 2020; and it is

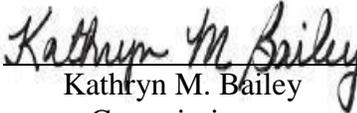
FURTHER ORDERED, that this order *nisi* shall be effective on August 4, 2020, unless Dunbarton Telephone Company Inc., fails to satisfy the publication and delivery obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Dunbarton Telephone Company, Inc., shall file two copies of the relevant franchise maps, no later than 15 days from the effective date of the order.

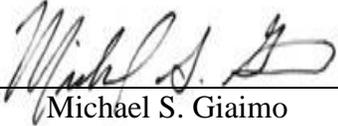
By order of the Public Utilities Commission of New Hampshire this thirteenth day of July, 2020.



Dianne Martin
Chairwoman

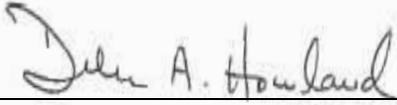


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 20-100

Printed: 7/13/2020

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