

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 20-111

COMCAST OF MAINE/NEW HAMPSHIRE, INC.

Petition for Resolution of Dispute and Declaratory Ruling

ORDER OF NOTICE

On July 14, 2020, Comcast of Maine/New Hampshire, Inc. (Comcast) filed a Petition for Resolution of Dispute and Declaratory Ruling (Petition) with respect to a dispute with Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE (Consolidated) regarding certain Consolidated pole attachment policies and practices. Comcast requested that the Commission resolve a pole attachment dispute between Comcast and Consolidated and that the Commission issue a declaratory ruling that Consolidated's denial of riser access in the absence of capacity, safety, reliability, or engineering issues, and Consolidated's insistence upon ownership and control of conduit between risers attached to its poles, constitute unjust, unreasonable, and anti-competitive pole attachment terms and conditions in violation of the New Hampshire pole attachment statute, RSA 374:34-a, and the Commission's utility pole attachment rules, N.H. Admin. R., Puc 1300.

Comcast asserted that the Commission should also declare that Consolidated's effort to compel Comcast to lease-back conduit space from Consolidated in locations where Comcast is authorized to install its own conduit in the public right-of-way is unlawful, citing RSA 231:160 and :161. According to Comcast, granting its Petition will advance policies promoting broadband deployment and enhancing competition in the communications industry, and will reduce future litigation by confirming through a declaratory ruling that Consolidated's policy and

conduct with respect to Comcast, and potentially other New Hampshire communications service providers, are unlawful, discriminatory, and anti-competitive.

Comcast filed its Petition pursuant to RSA 374:34-a, Puc 1304 (utility pole attachments dispute resolution), and Puc 207 (declaratory rulings). Unless it dismisses the petition pursuant to Puc 207.01(c), the Commission conducts an adjudicative proceeding on a petition for declaratory ruling in accordance with Puc 203. Puc 207.01(d).

Comcast's Petition 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/2020/20-111.html>.

The filing raises, inter alia, issues related to whether Consolidated's policies and practices regarding attachers' riser access to poles and conduit installation between poles are consistent with RSA 374:34-a, Puc 1300, and other federal or state laws and rules relevant to utility pole attachments.

Consolidated is hereby made a mandatory party to this docket. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that, consistent with Governor Christopher T. Sununu's Emergency Order #12, the Commission will hold a web-enabled remote prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, on August 13, 2020, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the Petition and any of the issues set forth in N.H. Admin. R., Puc 203.15. Members of the public who wish to access the prehearing conference may do so by [clicking here](#). **If you have any difficulty obtaining access to this**

remote event, please notify the Commission by calling (603) 271-2431 as soon as possible.

Parties will be provided with additional instructions prior to the prehearing conference; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, Comcast, Consolidated, the Staff of the Commission, and any intervenors hold a web-enabled remote technical session to review the Petition; and it is

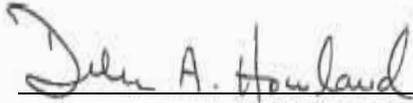
FURTHER ORDERED, that, pursuant to N.H. Admin. R., Puc 203.12, Comcast shall notify all persons desiring to be heard at this hearing by publishing a copy of this revised order of notice no later than August 5, 2020, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before August 10, 2020. In addition, the Executive Director shall publish this revised order of notice on the Commission's website no later than one business day after the date of issue; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Comcast on or before August 10, 2020, such petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17.

Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, any party seeking to intervene may elect to submit its filing in electronic form; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene shall make said objection on or before August 13, 2020.

By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of
July, 2020.

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style and is positioned above a horizontal line.

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 - Docket Related

Docket# : 20-111

Printed: 7/29/2020

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