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STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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January 6, 2021

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Sarah A. Davis  
Senior Director Government Affairs  
Consolidated Communications  
5 Davis Farm Rd.  
Portland, ME 04103

Re: DT 20-210, Consolidated Communications of Northern New England Company, LLC  
Request for Designation as an Eligible Telecommunications Carrier

Dear Ms. Davis:

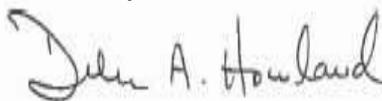
On December 29, 2020, Consolidated Communications of Northern New England Company, LLC (Consolidated) filed a letter with the Commission noting that Consolidated Communications Holdings, Inc. was awarded funding in New Hampshire from the Rural Digital Opportunity Fund (RDOF) and will be taking steps to offer Voice over Internet Protocol (VoIP) services to two unserved areas located outside of Consolidated's current franchise territories in the state. According to Consolidated's filing, these areas are not currently served by any incumbent local exchange carrier. Consolidated is seeking confirmation that the Commission lacks jurisdiction to designate Consolidated as an eligible telecommunications carrier (ETC) for areas where it is not operating as an incumbent provider, does not provide utility telephone service, and intends to provide only broadband and VoIP services. Consolidated asserts that, as a non-incumbent provider of only VoIP services in the identified areas, it is not subject to the Commission's regulatory jurisdiction, pursuant to RSA 362:7, II.

On January 4, 2021, Commission Staff (Staff) filed a memorandum, in which it analyzed Consolidated's request and the relevant jurisdictional issues. Staff confirmed that the two areas identified in Consolidated's filing, which are located in Chatham and Errol, New Hampshire, are unserved by any incumbent local exchange carrier. Staff recommended that the Commission issue a secretarial letter confirming that Consolidated's designation as an ETC in those unserved areas is not subject to the Commission's jurisdiction under New Hampshire law when it is providing unregulated services such as VoIP. Staff noted that, pursuant to RSA 362:7, II, VoIP service or Internet Protocol-enabled (IP-enabled) service are not public utility services, even though the provider in this instance is a public utility and an incumbent local exchange carrier in other parts of the state.

Although state commissions, such as the Commission, are the primary authorities for designating ETCs under 47 U.S.C. § 214(e), in unserved areas where a provider's services are not subject to state jurisdiction, federal law authorizes the Federal Communications Commission to grant the ETC designation. *See* 47 U.S.C. § 214(e)(3). The two specific areas that are the subject of Consolidated's request are shown on the map accompanying that request, which is attached to this letter for convenience of reference.

Based on Staff's recommendation and the analysis summarized above, the Commission has determined that it lacks authority under New Hampshire law to designate Consolidated as an ETC for the specified unserved areas in Chatham and Errol, New Hampshire.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style with a large initial 'D'.

Debra A. Howland  
Executive Director

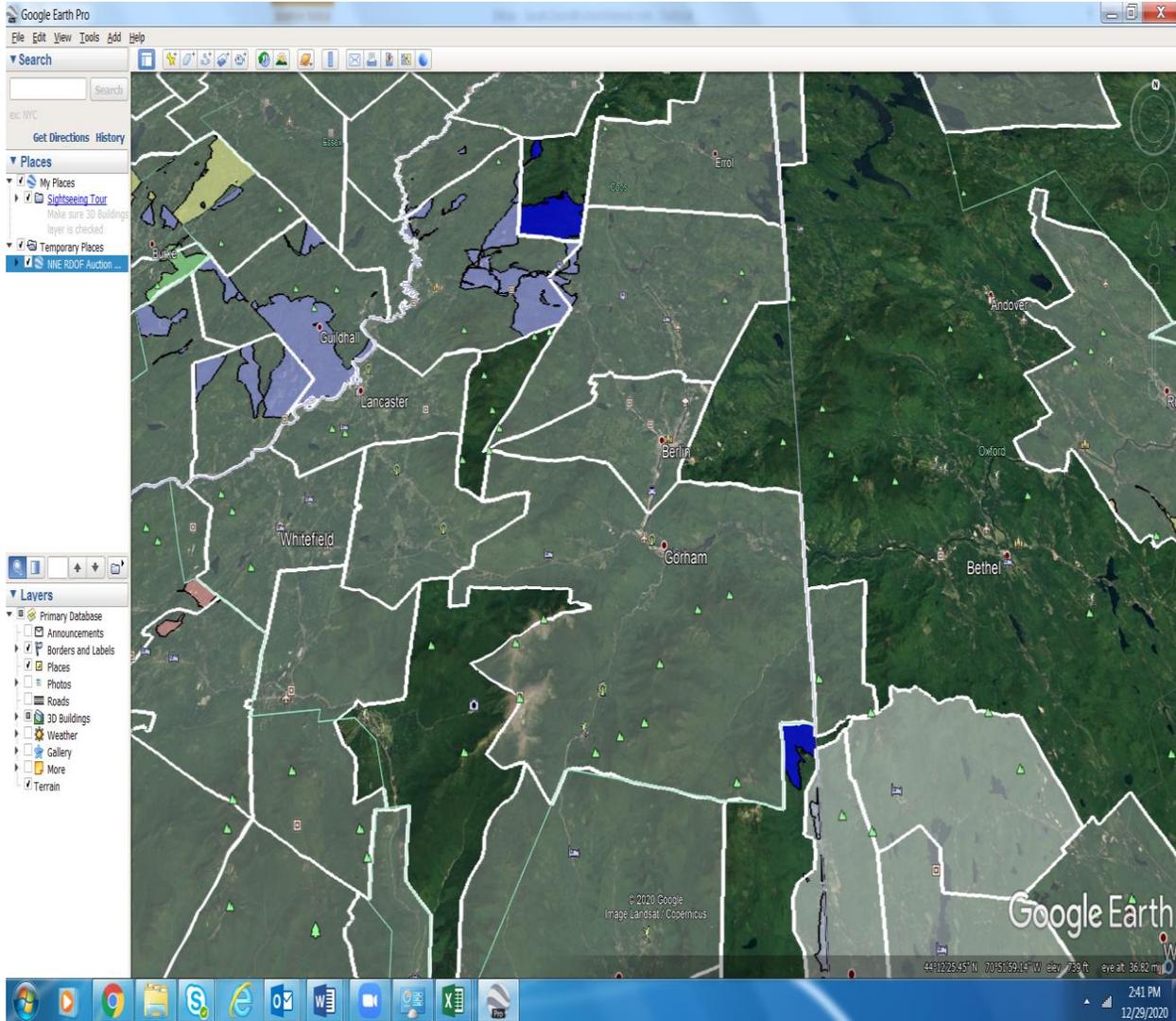
Attachment

cc: Service List (Electronically)  
Docket File

# Attachment A

## RDOF Award Overlayed with Consolidated Exchange Boundaries

The dark blue area shows the area where funds were awarded outside the census block



# Service List - Docket Related

Docket#: 20-210

Printed: 1/6/2021

Email Addresses

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