

DT 01-092

CORECOMM NEW HAMPSHIRE, INC.

Request to Cease Operations
within the State of New Hampshire

Order Granting Request

O R D E R N O. 23,732

June 28, 2001

I. BACKGROUND AND SUMMARY

On April 25, 2001, CoreComm New Hampshire, Inc.'s (Corecomm) filed with this Commission notification of CoreComm's intent to cease operations effective June 22, 2001, within the State of New Hampshire. A second letter dated May 17, 2001, advised the Commission of a postponement in the intended date of cessation of service until July 17, 2001.

CoreComm New Hampshire, Inc. (CoreComm) is certified in New Hampshire under Order No. 23,213, issued May 11, 1999, to provide Competitive Local Exchange Carrier (CLEC) telecommunications services. CoreComm is also certified as a Competitive Toll Provider under IXE No. 34299.

CoreComm states that, after an extensive reassessment of its resale business model, it has determined that it is not economically viable for the company to continue to serve a dwindling base of about 200 New Hampshire customers, all of whom are provided with resale-based service.

II. STAFF RECOMMENDATION

N.H. Administrative Rules PUC 1304.03 (c) provides that a CLEC which has commenced operations may cease to do so only after obtaining the Commission's approval. In order to obtain such approval the CLEC must demonstrate that: (1) all of the CLEC's customers have been notified of the CLEC's request to cease operations; (2) a period of 60 days has elapsed within which the CLEC's customers can migrate to an alternate carrier; and (3) all of the CLEC's customers have been sent refunds of any and all deposits. Additionally, RSA 374:28 requires that the Commission determine that such cessation is in the public good.

Staff concludes that in this instance, condition 1 is satisfied by CoreComm's letter dated April 19, 2001, advising its business customers of the pending cessation of operations in this state and of the customer's need to switch to another provider. That letter was followed by a bill enclosure with the customer's May invoice. CoreComm intends to remind any remaining business customers on or about June 1, 2001 of the June 22 termination of their service. A similar schedule is to be followed for residential customers with dates of May 18, 2001, for the first direct mail notice; a bill enclosure in the June invoice; and a final direct mail notice on July 1, 2001. Service will be terminated for residential customers on July 17, 2001. Condition 2 is satisfied by the April 19 and May 17 letters to customers.

Condition 3 is satisfied by CoreComm's June 14, 2001, affidavit attesting to having refunded all security deposits held for customers in New Hampshire. CoreComm also commits to refunding any credit balances remaining after service termination and to waiving any term commitment liabilities or charges for term agreement customers.

III. COMMISSION ANALYSIS

We have reviewed CoreComm's notification and the Staff's recommendations in this matter. We commend CoreComm for the thorough approach they have taken in their notice. We are in agreement with the Staff analysis of CoreComm's request, and conclude that CoreComm's notification procedures satisfy PUC 1304.03 (d). Although we regret the loss of a competitor, we recognize that companies move in and out of the marketplace. Accordingly, the request of CoreComm to terminate operations effective July 17, 2001 is granted.

Based upon the foregoing, it is hereby

ORDERED, that the request of CoreComm to terminate operations within the State of New Hampshire is GRANTED contingent upon the notification procedures listed herein; and it is

FURTHER ORDERED, that the certification to provide competitive local exchange service granted under Order No. 23,213

is withdrawn; and it is

FURTHER ORDERED, that the Certificate of Public Convenience and Necessity issued as IXC No. 34299 is withdrawn; and it is

FURTHER ORDERED, that these actions become effective July 17, 2001.

By order of the Public Utilities Commission of New Hampshire this twenty-eighth day of June, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary