

DT 01-274

**ACC TELECOMMUNICATIONS, LLC
D/B/A ADELPHIA BUSINESS SOLUTIONS**

**Withdrawal of Certification to Operate
in the State of New Hampshire**

Order Nisi Granting Request

O R D E R N O. 24,112

January 13, 2003

I. BACKGROUND

On December 9, 2002, ACC Telecommunications, LLC d/b/a Adelphia Business Solutions (ACC TELECOM) requested that the New Hampshire Public Utilities Commission (Commission) permit the company to terminate service to the approximately 18 New Hampshire customers it was serving.

ACC TELECOM is a wholly-owned subsidiary of Adelphia Communications Corporation, Inc. (ACC) formed to assume the certificates and operations of certain operating subsidiaries of Adelphia Business Solutions, Inc. (ABSI) which is also a subsidiary of ACC. ABSI's subsidiary, Adelphia Business Solutions Operations, Inc. (ABSO) is a New Hampshire-certified Competitive Local Exchange Carrier (CLEC) pursuant to Order No. 23,165 (March 16, 1999), originally issued in Docket No. DT 99-013 to Hyperion Communications of New Hampshire, Inc. Hyperion changed its name to Adelphia Business Solutions of New Hampshire (ABSNH). ABSNH subsequently merged with ABSO in Docket

No. DT 00-146.

By petition dated October 4, 2001, ACC TELECOM requested transfer of the CLEC authority held by ABSO or issuance of new authority to itself. The Commission did not act upon that petition as material requested by Commission Staff was never provided by ACC TELECOM. Therefore, ACC TELECOM served ABSO customers in New Hampshire under ABSO's authority.

Puc 1304.03(d) requires that, in order to obtain approval to cease operations in its authorized area, a CLEC shall give its customers a 60 day opportunity to migrate to the customer's carrier of choice. ACC TELECOM provided notice to their customers on December 5, 2002, and will not cease providing service until after February 3, 2003, thereby giving customers the required notice. The company reports that it has not collected any deposits from New Hampshire customers and therefore has none to return. We find that ACC TELECOM has met the requirements of New Hampshire Administrative Rule Puc 1304.03(d).

The request of ACC TELECOM for transfer or issuance of new CLEC authority is moot because ACC TELECOM is ceasing operations.

Based upon the foregoing, it is hereby

ORDERED NISI, that the request of ACC Telecommunications, LLC d/b/a Adelphia Business Solutions to discontinue service to its New Hampshire customers is GRANTED;

and it is

FURTHER ORDERED, that the CLEC authority granted by Order Nisi No. 23,165 is cancelled effective as of February 4, 2003; and it is

FURTHER ORDERED, that the request of ACC TELECOM for transfer or issuance of new CLEC authority is denied without prejudice; and it is

FURTHER ORDERED, that ACC TELECOM shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation, such publication to be no later than January 21, 2003 and to be documented by affidavit filed with this office on or before February 4, 2003; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi shall submit their comments or file a written request for a hearing on this matter before the Commission no later than January 28, 2003; and it is

FURTHER ORDERED, that this Order Nisi shall be effective February 4, 2003, unless the Petitioner fails to satisfy the publication obligation 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 thirteenth day of January, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary