

DT 99-206

ARBROS COMMUNICATIONS LICENSING COMPANY, N.E.

**Withdrawal of Certifications to Operate
Within the State of New Hampshire**

Order Granting Request

O R D E R N O. 24,201

August 15, 2003

I. BACKGROUND

On January 5, 2000, the New Hampshire Public Utilities Commission granted Arbros Communications Licensing Company, N.E. (Arbros) authority to provide competitive intraLATA toll service in New Hampshire under IXC No. 01-002-00. On March 20, 2000, the Commission entered Order No. 23,431 granting Arbros Competitive Local Exchange Carrier (CLEC) authority in New Hampshire. By letter received by the Commission on March 14, 2002, Arbros advised the Commission that it intended to discontinue service to its customers in New Hampshire on March 14, 2002.

By letter dated June 21, 2002, Staff requested certain specific details of the discontinuance of service and information as to whether Arbros intended to withdraw its certifications. The Commission received a letter from Arbros dated June 27, 2002, requesting withdrawal of certification and stating that it no longer had any customers in the state. However, Arbros did not respond to the specific questions posed by Staff. The company filed an annual report to the Commission for calendar year 2002,

stating that it served no customers in New Hampshire in that year and requesting withdrawal of certifications. In none of its annual reports did the company report having any New Hampshire customers.

II. ANALYSIS

Our applicable rule, Puc 1304.03(d), provides that we will approve a CLEC's request to cease operations upon a finding that:

(1) All 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 provider; and

(3) All the CLEC's customers have been sent refunds of any and all deposits.

In this case, we find that, as Arbros has reported not having any customers within New Hampshire, the purposes of Puc 1304.03(d) have been fully served. Therefore, we will grant Arbros' request and withdraw its certifications to provide competitive toll service and to operate as a CLEC in New Hampshire.

Based upon the foregoing, it is hereby

ORDERED, that the CLEC authority issued to Arbros Communications Licensing Company, N.E. in Order No. 23,431 is WITHDRAWN; and it is

FURTHER ORDERED, that the CTP certification issued to Arbros Communications Licensing Company, N.E. under IXC No. 01-002-00 is WITHDRAWN.

By order of the Public Utilities Commission of New Hampshire this fifteenth day of August, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Michelle A. Caraway
Assistant Executive Director