

DT 99-088

AUDITEL, INC.

**Notification of Transfer of Control Including Customer Base of
Auditel, Inc. to Freedom Ring Communications, LLC and Withdrawal
of Auditel, Inc.'s CLEC Authority**

**Order Acknowledging Restructuring and Accepting Surrender of
Competitive Local Exchange Carrier Authority**

O R D E R N O. 24,300

April 2, 2004

On February 23, 2004, Auditel, Inc. (Auditel) notified the New Hampshire Public Utilities Commission (Commission) of the transfer of its Competitive Local Exchange Carrier (CLEC) division to Freedom Ring Communications, LLC d/b/a BayRing Communications (BayRing) and requested withdrawal of Auditel's CLEC authority.

The Commission granted CLEC authority by Order Nisi No. 23,248, (July 29, 1999) to Creative Telecom Solutions, Inc. which later changed its name to Auditel, Inc. (Docket No. DT 01-273). The Commission granted BayRing CLEC authority by Order Nisi No. 22,530 effective April 23, 1997.

Auditel states that, as a result of the transfer, it no longer has any customers and owes no refunds or credits. The company filed a copy of the customer notification letter dated January 30, 2004, which Auditel sent to its customers, informing them that as of February 16, 2004, BayRing would be providing their service. The letter states that all rates, terms and

conditions of all contracts would remain the same as prior to the transfer. The letter also reminds customers that they have the right to choose another carrier for local phone service.

Commission Staff (Staff) notes that, pursuant to RSA 374:22-o, the Commission does not need to approve the transfer of a CLEC division pursuant to reorganization. However, because Auditel had customers in the State of New Hampshire prior to the transaction, Auditel must comply with the N.H. Admin. Rule Puc 1304.03(f). The rule requires a CLEC which proposes to transfer part of its franchise to another licensed entity to provide 14 days advance written notice to each affected customer concerning the details of the transfer and customers' options. Puc 1304.03(g)(2).

Staff has reviewed Auditel's customer notification letter and believes that it meets the requirements of Puc 1304.03 (f) and (g)(2). Because the customers transferring from Auditel to BayRing will not experience any change in rates, features, billing, terms or any other aspect of local telephone service, and because BayRing is a certified CLEC, Staff believes that the transfer is in the public good and will not harm ratepayers. Therefore, Staff recommends that Auditel's CLEC authorization be withdrawn.

We have reviewed the transfer of Auditel's CLEC business to BayRing. In addition, we have reviewed the letter

sent to Auditel's customers informing them of the transfer and find that it meets the requirements of Puc 1304.03 (f) and (g). While Commission approval is not required for the transaction to proceed, we nevertheless acknowledge the transaction and we note that Auditel has represented that its customers will receive the same rates, terms and conditions from BayRing as received from Auditel. Therefore, Auditel's CLEC authorization is withdrawn.

Based upon the foregoing, it is hereby

ORDERED, that the authority issued to Auditel f/k/a Creative Telecom Solutions, Inc. by Order Nisi No. 23,248 is hereby withdrawn; and it is

FURTHER ORDERED that BayRing file tariff revisions for customers of Auditel that contain the same rates, terms and conditions of service as held immediately before the transaction.

By order of the Public Utilities Commission of New Hampshire this second day of April, 2004.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary