

DT 04-063

RCN TELECOM SERVICES, INC.

**Request for Cancellation of Certification
to Operate in the State of New Hampshire**

Order Granting Request

ORDER NO. 24,332

June 4, 2004

On April 12, 2004, RCN Telecom Services, Inc. (RCN) requested that the New Hampshire Public Utilities Commission (Commission) permit the company to terminate service to the approximately 24 Interexchange Long Distance customers it serves in New Hampshire. RCN requested cancellation of its Competitive Local Exchange Carrier (CLEC) and Competitive Toll Provider (CTP) certificates of authority to operate in New Hampshire, and cancellation of its current tariffs on file with the Commission.

RCN is a wholly-owned subsidiary of RCN Corporation. Pursuant to Order No. 23,467 (May 8, 2000), the Commission approved the merger of RCN Long Distance Company (RCN LD) and RCN Telecom Services of New Hampshire, Inc. into RCN Telecom Services of Pennsylvania, Inc. under the name of RCN Telecom Services, Inc. (RCN). The Order also approved the transfer of RCN of NH's CLEC business and RCN LD's CTP business to RCN. In addition, the Order granted RCN the authority to operate as a CLEC in New Hampshire. The Commission granted RCN authority to provide intrastate interexchange services in New Hampshire under IXC No.23197, which the Commission originally issued to RCN LD (September 12, 1997).

RCN states that it currently has 24 Interexchange Long Distance customers. N.H. Admin. Code Puc 411.05 requires that, in order to obtain approval of the Commission to cease operations, a CTP shall provide written notice to customers of cessation of operation at least 14 days prior to such cessation. The notice must include a statement that the customer must select an alternative CTP, and notice of a time period, which shall not be less than 14 days from notification, to select a new CTP. Staff verified that RCN provided such notice to its customers on April 1, 2004, and stated that it will not cease providing service until after June 30, 2004, thereby providing customers with 60 days notice of cessation and offering a commensurate time in which to select a new CTP. Based on this information, we find that RCN has met the customer notice requirements of Puc 411.05 (a) (1).

Puc 411.05(a)(2) also requires that a CTP proposing to cease operations refund to its customers any applicable amounts owed. RCN states that it never collected deposits from its customers and therefore has no refund obligations to its customers. Based on this representation, we find that Puc 411.05(a)(2) has been met and will approve RCN's petition to cease operations as a CTP in New Hampshire.

RCN states that it has no local exchange customers in New Hampshire, and that RCN had made the business decision not to begin providing CLEC services despite it being granted CLEC authority on May 8, 2000. Under Puc 1304.03(a), "a CLEC shall exercise its grant of certification by the commission no later than 2 years from the date of issuance or forfeit its authority to do so." Because RCN has never provided CLEC service in New Hampshire, we find that RCN has forfeited its CLEC authority.

Based upon the foregoing, it is hereby

ORDERED, that the request of RCN to discontinue service to its New Hampshire customers is GRANTED; and it is

FURTHER ORDERED, that the CTP authority to RCN under IXC No. 23,197 is cancelled effective as of June 1, 2004; and it is

FURTHER ORDERED, that the CLEC authority granted to RCN by Order No. 23,467 was forfeited by RCN for failure to exercise its grant of certification within two years; and it is

FURTHER ORDERED, that RCN tariffs on file with the Commission are cancelled effective as of June 1, 2004.

By order of the Public Utilities Commission of New Hampshire this fourth day of June, 2004.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary