

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 07-027

**KEARSARGE TELEPHONE CO., WILTON TELEPHONE CO.,
HOLLIS TELEPHONE CO. and MERRIMACK COUNTY TELEPHONE CO.**

Petitions for Approval of Alternative Form of Regulation

Order Scheduling Prehearing Conference

ORDER NO. 24,943

February 27, 2009

On March 1, 2007, Kearsarge Telephone Company (KTC), Wilton Telephone Company (WTC), Hollis Telephone Company (HTC) and Merrimack County Telephone Company (MCT), wholly-owned subsidiaries of TDS Telecommunications Corporation (Collectively, TDS Companies), filed petitions with the Commission seeking approval for an alternate form of regulation pursuant to RSA 374:3-b that would result in regulation of the TDS companies' retail operations comparable to the regulation applied to competitive local exchange carriers, subject to certain additional requirements. On April 23, 2008, the Commission issued Order No. 24,852 finding that the TDS Companies had demonstrated that competitive alternatives were available to a majority of the customers of WTC and HTC, and that the plans for such companies, as modified by a settlement among some of the parties, otherwise satisfied the requirements for an alternative form of regulation pursuant to RSA 374:3-b. The Commission further found that the TDS Companies failed to demonstrate that competitive alternatives were available to the majority of customers in each of the exchanges for KTC and MCT. The Commission, therefore, approved the alternative regulation plan and settlement for WTC and HTC and rejected it for KTC and MCT. The Commission kept the docket open for

one year in the event that the TDS Companies sought to present new evidence as to KTC and MCT.

On January 29, 2009, the TDS Companies filed supplemental testimony of Michael C. Reed, along with exhibits, pursuant to the Commission's order allowing new evidence as to KTC and MCT. On February 10, 2009, New Hampshire Legal Assistance (NHLA), on behalf of Daniel Bailey, filed a motion for a prehearing conference in response to Petitioners' supplemental filing. On February 11, 2009, KTC and MCT filed a response to the NHLA motion objecting to Mr. Bailey's participation with respect to KTC, claiming Mr. Bailey lacks standing in that he is not a customer of KTC. On February 18, 2009, NHLA filed a response to that objection noting that the Commission has already determined that Mr. Bailey has standing with regard to KTC.

The filing raises, inter alia, issues related to whether MCT and KTC have demonstrated that competitive alternatives are available for the majority of customers in each of their exchanges; whether the terms of the earlier settlement agreement should apply to MCT and KTC; and whether MCT and KTC should be granted alternative regulation consistent with RSA 374:3-b.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on March 26, 2009, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the supplemental testimony and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, the TDS Companies, the Staff of the Commission and any parties or Intervenors hold a Technical Session to review the supplemental testimony and allow the TDS Companies to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that following the technical session the parties recommend a procedural schedule designed to reach a hearing on these matters.

By order of the Public Utilities Commission of New Hampshire this twenty-seventh day of February, 2009.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Clifton C. Below
Commissioner

Attested by:

Kimberly Nolin Smith
Assistant Secretary