

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-324

**BRETTON WOODS TELEPHONE COMPANY AND NORTHERN NEW ENGLAND
TELEPHONE OPERATIONS LLC**

Joint Petition to Modify Service Territory Boundaries

Order *Nisi* Approving Boundary Modifications

ORDER NO. 25,452

January 8, 2013

On October 31, 2012, Bretton Woods Telephone Company (BWTC) and Northern New England Telephone Operations LLC d/b/a FairPoint Communications – NNE (FairPoint) (the Petitioners) filed a joint petition pursuant to RSA 374:30 to modify service territory boundaries of the Petitioners as described below and as depicted on the revised franchise maps provided in response to Staff's data request.

The petition requests approval to modify service territory boundaries by transferring a small portion of FairPoint's service territory in the Town of Carroll (service area) to BWTC. There are two customers currently residing in the service area that are interested in receiving high-speed internet service. FairPoint does not provide broadband in the area. Currently, BWTC offers DSL with download and upload speeds of 512 kbps and 256 kbps, respectively, but states that, once its stimulus-funded fiber deployment project is complete, BWTC will be able to offer service with significantly higher speeds. According to BWTC, the prospect of higher speeds resulting from the fiber deployment project is a factor behind FairPoint's customers' support for the boundary modification.

RSA 374:30 II permits an excepted incumbent local exchange carrier to transfer franchise territory to another utility when the Commission finds the utility to which the transfer is to be made is technically, managerially, and financially capable of maintaining the obligations of an incumbent local exchange carrier set forth in RSA 362:8 and RSA 374:22-p. Pursuant to RSA 362:7 I (b) and (c)(1) FairPoint, an incumbent local exchange carrier providing telephone service to more than 25,000 access lines, is an excepted local exchange carrier. According to the petition, BWTC, an established incumbent local exchange carrier, now an excepted local exchange carrier¹, has the technical, managerial, and financial capability of maintaining the obligations of an incumbent local exchange carrier as set forth in RSA 362:8 and RSA 374:22-p.

We find that the proposed boundary change will increase the deployment of high speed Internet access and thereby serve the public good. We also find that BWTC has been a competent ILEC in good standing and is receiving stimulus funding to deploy fiber in its service territory. Therefore, BWTC has the technical, managerial and financial capability to maintain the obligations of an incumbent local exchange carrier in an additional limited service area with, at present, two new customers. Accordingly, we will grant the petition to modify the service territory boundaries of BWTC and FairPoint in the Town of Carroll.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, the proposed franchise boundary change between BWTC and FairPoint is approved as filed and service shall be provided pursuant to the approved franchise boundaries; and it is

¹ On December 14, 2012, BWTC elected to be an “excepted local exchange carrier.” RSA 362:7, I(c)(2).

FURTHER ORDERED, that BWTC shall file properly annotated tariff pages and that BWTC and FairPoint shall file two copies of the relevant maps in compliance with this Commission order no later than 30 days from the issuance of this order as required by NH Admin. Rules, PUC 1603.02; and it is

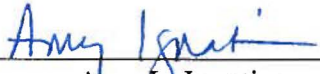
FURTHER ORDERED, that the Petitioners shall cause a copy of this Order *Nisi* to be (1) published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, (2) delivered to the Town of Carroll Town Clerk, and (3) delivered to all customers located in the new franchise territory, such publication and service to be accomplished no later than January 18, 2013 and to be documented by affidavit filed with this office on or before February 7, 2013; and it is

FURTHER ORDERED, that all persons interested in responding to this petition shall submit their comments or file a written request for a hearing on this matter before the Commission no later than January 25, 2013; and it is


FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 1, 2013; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective February 7, 2013, unless the Petitioners fail to satisfy the publication or service obligations 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 eighth day of
January, 2013.



Amy L. Ignatius
Chairman

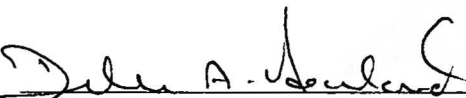


Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director