

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 13-175

**NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC
D/B/A FAIRPOINT COMMUNICATIONS-NNE**

**Joint Petition with Dixville Telephone Company
to Modify Service Territory Boundaries**

Order *Nisi* Approving Boundary Modifications

ORDER NO. 25,549

July 19, 2013

On June 19, 2013, Northern New England Telephone Operations LLC d/b/a FairPoint Communications – NNE (FairPoint) and Dixville Telephone Company (DTC) (the Joint Petitioners) filed a joint petition pursuant to RSA 374:30, II (Joint Petition) to modify service territory boundaries of the Joint Petitioners as described below and as specified in the Joint Petition and the attached maps.

The Joint Petitioners request approval to modify their service territory boundaries by transferring to DTC two separate portions of FairPoint's service territory in the Town of Colebrook located adjacent to Route 26 and within the Panorama Golf Course. There are no FairPoint customers presently located within these two areas to be transferred and the boundary modifications will accommodate an area presently served by DTC, according to the Joint Petitioners. No assets of FairPoint are being sold to DTC in connection with the agreement to modify the service territories, according to the Joint Petition.

According to Staff, the purpose of the Joint Petition is to request a change to the Commission's records to reflect the territories actually served by DTC and FairPoint. Staff has recommended approval of the Joint Petition.

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, as an incumbent local exchange carrier providing telephone service to more than 25,000 access lines, is an excepted local exchange carrier. According to the Joint Petition, DTC, an established incumbent local exchange carrier, 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 Joint Petitioners have made a sufficient showing that the proposed service territory boundary modifications should be approved under RSA 374:30, II. We find that DTC is an established incumbent local exchange carrier and has the technical, managerial and financial capability to maintain the obligations of an incumbent local exchange carrier in the two additional limited service areas with no current customers. Accordingly, we will grant the Joint Petition to modify the service territory boundaries of DTC and FairPoint in the Town of Colebrook.

Based upon the foregoing, it is hereby

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

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

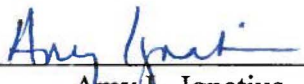
FURTHER ORDERED, that the Joint Petitioners shall cause a copy of this Order *Nisi* to be (1) published once in a statewide newspaper of general circulation or of circulation in those portions of the State where operations are conducted, (2) delivered to the Town of Colebrook Town Clerk and the Town of Dixville Town Clerk, and (3) delivered to all customers located in the new franchise territory, if any, such publication and service to be accomplished no later than July 29, 2013 and to be documented by affidavit filed with this office on or before August 13, 2013; and it is

FURTHER ORDERED, that all persons interested in responding to this Joint Petition shall submit their comments or file a written request for a hearing on this matter before the Commission no later than August 2, 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 August 9, 2013; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective August 16, 2013, unless the Joint 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 nineteenth day of July, 2013.



Amy L. Ignatius
Chairman

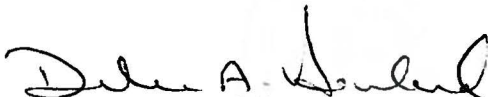


Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director