## THE STATE OF NEW HAMPSHIRE

CHAIRMAN Thomas B. Getz

COMMISSIONERS Clifton C. Below Amy L. Ignatius

EXECUTIVE DIRECTOR AND SECRETARY Debra A. Howland



PUBLIC UTILITIES COMMISSION 21 S. Fruit Street, Suite 10 Concord, N.H. 03301-2429 Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH 1-800-735-2964

> Website: www.puc.nh.gov

January 27, 2012

Andrew Isar Miller Isar Inc. 4423 Point Fosdick Drive, NW Suite 306 Gig Harbor, WA 98335

RE: DT 11-279: Competitive Local Exchange Carrier (CLEC) Certification, Liberty-Bell Telecom LLC

Dear Mr. Isar:

The application filed by Liberty-Bell Telecom, LLC d/b/a DISH Network Phone and Internet (Liberty-Bell) a subsidiary of DISH Network LLC (DISH) to provide CLEC services in New Hampshire has been approved, as the accompanying certificate attests. Liberty-Bell's CLEC registration number is CL-01-001-12.

The application describes two regulatory matters involving Liberty-Bell and DISH in other jurisdictions. One of these matters involves a failure by Liberty-Bell to file required forms and reports over a period of several years and resulted in a consent agreement with the FCC and a voluntary payment by the company. The other matter involves telemarketing calls allegedly made contrary to "Do Not Call" regulations by or on behalf of DISH; there is an unresolved question of whether DISH is responsible for making or controlling those calls.

In evaluating a request for certification as a competitive local exchange provider, Puc 431.02(a)(4) directs the Commission to consider, among other things, the existence of "flagrant or repeated violations" in other states, and whether that history shows that authorization of the applicant in New Hampshire is not "in the public good." If the practices described in these complaints were likely to continue in New Hampshire, the public good would be very much in question. The Commission is reassured by the actions already taken by Liberty-Bell to remedy these problems, and will not deny authorization. Should similar events occur in New Hampshire, however, that history will be considered when determining appropriate actions under Puc 431.19 and any other applicable laws and rules.

As Liberty-Bell conducts business in New Hampshire, the Commission expects the company to provide the highest level of customer service. The Commission requires yearly updates of the company's progress which you will provide by filing NH Puc Form CLEC-3 by March 31<sup>st</sup> each year. Upon attaining its first retail customer, Liberty-Bell must file with the Telecommunications Division NH Puc Form CLEC-12, *Initiation of Operations*. Both the CLEC-3 and CLEC-12 forms are available at our web site: <a href="https://www.puc.nh.gov">www.puc.nh.gov</a>. The Commission also requires notification from Liberty-Bell of address changes, restructuring, acquisitions, or other major events as outlined in Commission rules.

Please refer to CL-01-001-12 in any future correspondence. If you or Liberty-Bell have any questions, please do not hesitate to contact me in the Telecommunications Division at (603) 271-2431.

Sincerely,

Michael Ladam

Assistant Director, Telecommunications

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## **AUTHORIZATION TO PROVIDE LOCAL EXCHANGE SERVICE**

## LIBERTY-BELL TELECOM, LLC

is authorized to provide local exchange services in the FairPoint Communications service territory in the State of New Hampshire.

Debra A. Howland Executive Director

Date: January 27, 2012 Authorization No. CL 01-001-12

This authorization is non-transferable Pursuant to Puc 451.01(g)