

March 27, 2020

Via Electronic Submission

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: DT 19-041: Petition of Consolidated Communications of Northern New England Company, LLC For Approval of Modifications to the Wholesale Performance Plan

Dear Ms. Howland,

On March 20, 2020, the Maine Public Utilities Commission's Presiding Officer issued a Procedural Order (Scheduling) in its proceeding captioned *Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE, Request for Modification of the Wholesale Performance Plan*; Docket No. 2019-00045. The Procedural Order directs the parties to file with the Maine Commission, by March 27, 2020, a joint or individual proposed procedural schedule(s) for the remainder of the proceeding.

As confirmed in a joint filing of the parties today in Maine proceeding, as well as a recently filed pleading in the companion case before the Vermont Public Utility Commission in Case No. 19-0603-PET, Consolidated Communications of Northern New England Company, LLC, and the CLEC Association of Northern New England have reached an agreement as to all issues in this proceeding. Consolidated and Time Warner Cable Information Services (Maine), LLC ("Charter")¹ have not reached agreement on which of the metrics in the WPP are required to be eliminated as a result of the FCC's Forbearance Orders. However, Charter and Consolidated plan to continue negotiations during the week of March 30, 2020. We expect to conclude the negotiations by Thursday, April 2, 2020. An update will be submitted at the conclusion of the negotiations.

Nonetheless, Consolidated believes that the Commission can make final decisions in this Docket based on briefs submitted by Consolidated and Charter and respectfully proposes the following briefing schedule:

April 22, 2020 - Initial Briefs; and
May 6, 2020 - Reply Briefs.

¹ In New Hampshire, the relevant Charter entities are: Charter Fiberlink NH-CCO, LLC, and Time Warner Cable Information Services (New Hampshire), LLC

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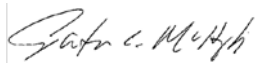
This Commission's Order No. 26,299 (issued October 14, 2019) in the above captioned Docket concluded that "... the FCC Forbearance Orders do constitute a change of law as contemplated by the WPP Change of Law Provision, because certain determinations in the FCC Forbearance Orders may substantively affect certain material provisions of the WPP." Order at p. 16. Thus, Consolidated submits that the remaining issues in this Docket require no discovery or other processes other than briefing.

Finally, Consolidated confirms that it has proposed identical briefing schedules for the WPP-related proceedings that are currently pending before the Maine and Vermont Commissions. As of the filing of this letter, no action has been taken in the other states on the procedural schedule. A copy of the filings made today in Maine are attached for the Commission's information, as well as a filing made with the Vermont Commission on March 23, 2020.

Pursuant to Puc. 201.05 Waiver of Rules, Consolidated hereby requests that the Commission waive the paper filing requirements of Puc. 203.02. Due to the Covid-19 pandemic and Governor Christopher Sununu's "Stay-At-Home" Order, issued on March 26, 2020, Consolidated hereby submits that not preparing and not mailing paper copies of this correspondence: (i) serves the public interest and (ii) will not disrupt the orderly and efficient resolution of matters before the Commission.

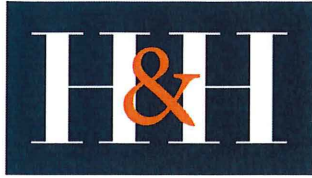
Please feel free to contact me with any questions.

Sincerely,



Patrick C. McHugh
On Behalf of Consolidated Communications of Northern New England Company, LLC

Cc: Service List



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&
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FILED ELECTRONICALLY VIA CMS

March 27, 2020

Mr. Harry Lanphear
Administrative Director
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Re: *Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE, Request for Modification of the Wholesale Performance Plan; Docket No. 2019-00045*

Dear Mr. Lanphear:

On March 20, 2020, the Presiding Officer issued a Procedural Order (Scheduling) in the above-referenced proceeding that directs the parties to file, by March 27, 2020, a joint description of the issues in this proceeding “that remain unresolved and may be brought before the Commission for resolution.”

In accordance with the Procedural Order, Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE (“Consolidated”), the CLEC Association of Northern New England (“CANNE”) and Time Warner Cable Information Services (Maine), LLC (“Charter”) report to the Commission as follows:

- (1) Consolidated and CANNE have reached an agreement as to all issues in this proceeding. Consolidated and CANNE will prepare for filing with the Commission a stipulation reflecting the terms of their agreement. A revised Wholesale Performance Plan (“WPP”) will be submitted as an attachment to the stipulation.
- (2) Consolidated and Charter have not reached agreement on certain metrics identified below. However, Consolidated and Charter will continue negotiations during the week of March 30, 2020, and will provide an update to the parties and the Commission promptly, which we expect to be no later than Thursday, April 2,

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2020. Absent any agreement that may be reached through additional negotiations, it will be necessary for the Commission to resolve the following issues related to the WPP as between Consolidated and Charter:

(A) Which of the following metrics contained in the WPP are required to be eliminated as a result of the Commission's January 13, 2020 Order finding that the FCC's Forbearance Orders constitute a change in law:

OR-5-3-3121 - % Flow Through Achieved Directory Listings and LNP;¹
OR-6-3-3332 - % Resent LSRC;²
OR-6-4-1040 % Accuracy – Directory Listing;
PR-4-7-3540 % On Time Performance – LNP Only; and
PR-4-16-1040 - % Directory Data Base Updates Completed On Time.

The Procedural Order also directs the parties to file a proposed procedural schedule for the remainder of the proceeding. The parties will respond separately on their proposed procedural schedules.

Please do not hesitate to contact me if you have any questions concerning this filing.

Very Truly Yours,

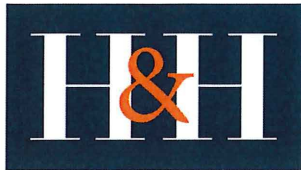


William D. Hewitt

cc: Service List (via CMS)

¹ "LNP" refers to Local Number Portability.

² "LSRC" refers to Local Service Request Confirmation



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Mr. Harry Lanphear
Administrative Director
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18 State House Station
Augusta, ME 04333-0018

Re: *Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE, Request for Modification of the Wholesale Performance Plan; Docket No. 2019-00045*

Dear Mr. Lanphear:

On March 20, 2020, the Presiding Officer issued a Procedural Order (Scheduling) in the above-referenced proceeding that directs the parties to file, by March 27, 2020, a joint or individual proposed procedural schedule(s) for the remainder of the proceeding.

The Commission's January 13, 2020 Order in this proceeding concluded that the FCC's Forbearance Orders constitute a change of law pursuant to Section 1(K) of the Wholesale Performance Plan (the "WPP"). Given the Commission's Order, the next step is to identify which of the metrics in the WPP are required to be eliminated as a result of the change of law. (Order at 6 (requiring parties to engage in negotiations as a result of finding that the WPP Change of Law provision is triggered).)

As confirmed in a joint filing of the parties today in this proceeding, Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications-NNE ("Consolidated") and the CLEC Association of Northern New England ("CANNE") have reached an agreement as to all issues in this proceeding.¹ Consolidated and Time Warner Cable Information Services (Maine), LLC ("Charter") have not reached agreement on which of the metrics in the WPP are required to be eliminated as a result of

¹ Consolidated believes that a stipulation joined by CANNE and Consolidated will be filed with the Commission on or before April 15, 2020.

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the FCC's Forbearance Orders. Consolidated believes that the Commission can make that decision based on briefs submitted by Consolidated and Charter and respectfully proposes the following briefing schedule:

April 22, 2020 - Initial Briefs; and
May 6, 2020 - Reply Briefs.

Finally, Consolidated confirms that it has proposed identical briefing schedules for the WPP-related proceedings that are currently pending before the New Hampshire and Vermont Commissions. As of the filing of this letter, no action has been taken in the other states on the procedural schedule.

Please do not hesitate to contact me if you have any questions concerning this filing.

Very Truly Yours,



William D. Hewitt

cc: Service List (via CMS)

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 19-0603-PET

| | |
|--|--|
| Petition of Telephone Operating Company of Vermont, Inc., d/b/a Consolidated Communications for approval of modifications to the Wholesale Performance Plan to be effective June 1, 2019 | |
|--|--|

CONSOLIDATED'S PROPOSED SCHEDULE

By the Third Scheduling Order issued in this Case on March 12, 2020, Hearing Officer Michael E. Tousley ordered Consolidated Communications of Vermont Company, LLC (formerly Telephone Operating Company of Vermont LLC) d/b/a Consolidated Communications ("Consolidated" or the "Company") to contact the parties and discuss a proposed schedule for the remainder of this Case. Consolidated has discussed the procedural schedule with the parties' counsel and counsel to the Vermont Department of Public Service. The parties could not agree upon a joint procedural schedule. Therefore, consistent with the Third Scheduling Order, Consolidated hereby proposes the following schedule:

- April 22, 2020 - Initial Briefs from all parties on the change of law and the disputed metrics;
- May 6, 2020 - Reply Briefs

Consolidated believes that the issues that remain to be litigated in the Case are purely legal, *i.e.*, has there been a change in law that requires the elimination of certain metrics or not and, if so, what is the final revised Wholesale Performance Plan in Vermont. As a result, Consolidated believes that the issues can be resolved on the briefs. In addition, Consolidated expects that it will file jointly with the CANNE-based competitive carriers a Joint Stipulation for

Settlement. Consolidated will work with the settling parties to file the Joint Stipulation with the Public Utility Commission on or before April 15, 2020.

DATED at Burlington, Vermont, on this 23rd day of March 2020.

CONSOLIDATED COMMUNICATIONS OF
VERMONT COMPANY, LLC
d/b/a Consolidated Communications

By: /s/ Debra L. Bouffard
Debra L. Bouffard, Esq.
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Burlington, VT 05402
dbouffard@sheeheyvt.com