

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 23-103

CONSOLIDATED COMMUNICATIONS HOLDINGS, INC. AND
CONDOR HOLDINGS LLC
JOINT PETITION TO APPROVE TRANSFER OF CONTROL

Partially Assented-To Motion to Alter Procedural Schedule

NOW COMES Consolidated Communications Holdings, Inc. (“CCHI”) and Condor Holdings LLC (“Condor”, and together with CCHI, the “Petitioners”), by and through their undersigned attorneys, respectfully request that the New Hampshire Public Utilities Commission (the “Commission”) alter the procedural schedule in this Docket by: (i) eliminating the briefing period following the evidentiary hearing; and (ii) allowing the Petitioners and Intervenors to make closing statements immediately following the close of evidence. In support of this motion thereof, the Petitioners state as follows:

1. This Docket relates to a joint request from CCHI and Condor for approval by the Commission of a transaction which (if consummated) would result in, among other things, the indirect ownership and transfer of control of CCHI’s subsidiaries Consolidated Communications of Northern New England Company, LLC, and Consolidated Communications of Maine Company to Condor pursuant to RSA 374:30, II (the “Transaction”). *See* Joint Petition to Approve Transfer of Control, Dec. 27, 2023 (the “Joint Petition”), p. 1 (Tab 1); *see also* Commencement of Adjudicative Proceeding and Notice of Prehearing Conference, February 16,

2024 (“Initial Order”), at 1 (Tab 10). If the Commission approves the relief in the Joint Petition, then following the closing of the Transaction (as defined in the Joint Petition), Condor will become the direct holder of all of the common stock of CCHI and the indirect parent of CCNE and CCM, and CCHI, which is currently a publicly traded company, will become privately held. Joint Petition at 5.

2. Following the Petitioners filing their Joint Petition, the New Hampshire Department of Energy (“NHDOE”) and New Hampshire Consumer Advocate (“OCA”) entered appearances, and multiple third parties filed petitions to intervene, all of which were granted by the Commission. As discovery progressed, the following intervenors have filed notices of withdrawal from this Docket: (i) Town of Greenfield¹, (ii) Town of Benton², (iii) New Hampshire Electric Cooperative, Inc. (“NHEC”)³ and (iv) Charter Fiberlink NH-CCO, LLC and Time Warner Cable Information Services (New Hampshire), LLC (collectively, “Charter”).⁴ NHEC and Charter withdrew their respective prefiled testimony. The Town of Benton and NHEC also withdrew their pending motions to compel responses to various data requests. One third party intervenor remains in this Docket, the International Brotherhood of Electrical Workers, AFL-CIO, Second District, and IBEW, Local 2320 (collectively, the “IBEW”).

3. On February 16, 2024, the Commission issued its Initial Order. Among other things, in the Initial Order, the Commission ordered that “...the parties may submit a stipulation containing a discovery schedule ... [and the] Commission may cancel the prehearing conference and technical session upon approval of such a stipulation.” Initial Order at 5. Following good

¹ Town of Greenfield Withdrawal as Intervenor, June 10, 2024 (Tab 39).

² Town of Benton Request to Withdraw as Intervenor and Withdrawal of Motion to Compel, June 20, 2024 (Tab 42).

³ NHEC Notice of Withdrawal with Prejudice, May 20, 2024 (Tab 38).

⁴ Charter Notice of Withdrawal from Proceeding, June 20, 2023 (Tab 43).

faith discussions with NHDOE, OCA and all of the intervenors, the parties agreed upon a proposed procedural schedule and counsel for CCHI filed the same on March 20, 2024 (Tab 19). The Commission approved of the proposed procedural schedule and scheduled an evidentiary hearing for July 23-24, 2024, in a procedural order issued March 22, 2024 (Tab 20).

4. The procedural schedule allows the parties to file briefs following the evidentiary hearing no later than two (2) weeks following the receipt of the hearing transcript. Procedural Schedule at 2 (Tab 19). By this partially assented-to motion, the Petitioners now seek to (i) eliminate the briefing schedule; and (ii) allow for closing statements to be made during the hearing immediately following the close of evidence (or at that time when the Commission deems such closing statements to be appropriate) in lieu of briefs. To the extent possible, the Petitioners request the Commission expedite its decision in this Docket as the elimination of the briefs allows for an earlier closing of the evidentiary record, subject to the Petitioners responding to any Commission record requests made during the hearing. *See ex., PNGTS, TCP, NNEIC, BGIF IV and AIV-B, Petition to Transfer Partnership Interests, Order No. 27,023 (June 21, 2024) at 2-3 (Commission issuing an approval order shortly after the final hearing held on June 13, 2024).*⁵

5. The Petitioners are authorized to represent to the Commission that the NHDOE assents to the relief requested herein.

6. The Petitioners are authorized to represent to the Commission that the OCA assents to the relief requested herein.

⁵ The Petitioners acknowledge PNGT's Order followed a separate approval issued by the New Hampshire Site Evaluation Committee on June 19, 2024.

7. The Petitioners are authorized to represent to the Commission that the IBEW does not object to the relief requested herein.

For all the reasons stated above, the Petitioners respectfully request that the Commission:

- (A) Alter the procedural schedule by eliminating the briefing schedule;
- (B) Allow all parties to this Docket to make a closing statement at the conclusion of the evidentiary hearing on July 23, 2024; and
- (C) Grant such further relief as the Commission deems necessary and appropriate

Dated July 10, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was provided via electronic mail to the individuals included on the Commission's service list for this docket.

Dated: July 10, 2024

By: /s/ Patrick C. McHugh
Patrick C. McHugh