

DT 99-008

**NEW ENGLAND VOICE AND DATA, LLC AND
NEVD OF NEW HAMPSHIRE, LLC**

**Request for Authority to Assign New England Voice and Data, LLC
Certificate of Authority to NEVD of New Hampshire and Notice of
Pro Forma Change in Corporate Structure**

Order Approving Intra-Corporate Transfer of Control

O R D E R N O. 23,282

August 16, 1999

On January 14, 1999, New England Voice and Data, LLC (NEVD or the Company) and NEVD of New Hampshire, LLC (NEVD-NH) both Rhode Island corporations (Petitioners) filed with the New Hampshire Public Utilities Commission (Commission), a joint petition (Petition) to provide notice of a pro forma change in corporate structure and for approval to transfer NEVD's authority to conduct business in the State of New Hampshire as a telecommunications public utility to NEVD-NH.

NEVD received facilities-based competitive local exchange authority in Docket No. DE 98-094 by Order No. 23,010 (issued September 2, 1998). NEVD is the corporate parent of NEVD-NH. The Company is also authorized to provide competitive local exchange service in Massachusetts and Rhode Island, and owns CLEC subsidiaries in Maine, Vermont, New York and Connecticut. NEVD as currently organized is both a CLEC and a parent company.

The Petitioners stated that there will be no change in

the managerial, technical or financial resources available to the company as a result of the transfer of control. The Petitioners represent that the transfer of control will be essentially transparent to the customers, as they proposed NEVD-NH to adopt the existing tariff rates and service currently on file with the Commission by NEVD. In addition, the Petitioners filed evidence to demonstrate NEVD-NH has sufficient financial resources to fulfill PUC 1304.01. NEVD is not yet providing local exchange service in New Hampshire, therefore the transfer is a paper transaction.

We find the transfer of authority from NEVD to NEVD-NH will result in no net harm, which is the standard by which we evaluate merger petitions. See Re Eastern Utility Associates, 76 NHPUC 236 (1991). We will, therefore, approve the Petition.

Based upon the foregoing, it is hereby

ORDERED, that the Petition for the transfer of authority from NEVD to NEVD-NH is GRANTED pursuant to RSA 374:30; and it is

FURTHER ORDERED, that NEVD-NH file a properly annotated compliance tariff title page adopting the tariff of NEVD in accordance with NH Admin. Rules, Puc 1603.02, on or before the September 16, 1999.

By order of the Public Utilities Commission of New
Hampshire this sixteenth day of August, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary