

THE STATE OF NEW HAMPSHIRE  
Before the  
PUBLIC UTILITIES COMMISSION

Docket DT 07-027

Kearsarge Telephone Company, Wilton Telephone Company, Inc.,  
Hollis Telephone company, Inc. and Merrimack County Telephone Company  
Petitions for Alternative Form of Regulation

**MOTION TO REOPEN RECORD AND  
TO TAKE ADMINISTRATIVE NOTICE**

This docket involves petitions by Kearsarge Telephone Company, Wilton Telephone Company, Inc., Hollis Telephone Company, Inc. and Merrimack County Telephone Company, (TDS Companies) for alternative regulation under RSA 374:3-b. In this docket the Commission must consider, among other things, whether competitive wireline services are available to customers in the TDS service territories. RSA 374:3-b, III, a.

Pursuant to N.H. Code Admin. R. Puc 203.30 and Puc 203.27 Staff moves that the Commission reopen the record in this docket and take administrative notice of the filing made by Comcast Phone of New Hampshire, LLC (Comcast) on December 12, 2007. A copy of part of the Comcast CLEC registration filing is attached as Exhibit 1 to this motion. In this filing, made after the close of hearings in this docket, Comcast sought to be registered as a competitive local exchange carrier (CLEC) in the towns of: Andover; Antrim; Bennington; Boscawen; Chichester; Deering; Henniker; Hillsboro; Hopkinton; Loudon; New London; Salisbury; Wilmot; and Wilton. All of these towns are in the TDS Companies' service territory.

Comcast is currently a facilities based cable television provider in some of the TDS Companies service territories. Comcast's CLEC registration was referenced in reply briefs of the TDS Companies, segTEL, Inc. and Staff. Staff believes that evidence of Comcast's application to be registered as a telephone provider in some of the TDS Companies service territories is relevant to issues in this docket. Since Comcast made its CLEC filing after the close of hearings in this docket, Staff and other parties were not able to bring this filing to the Commission's attention prior to hearings. As a result, Staff moves that the Commission reopen the record and take administrative notice of this related Commission proceeding.

In reopening the record and taking administrative notice of the Comcast CLEC filing the Commission must consider the probative value of the filing and whether other parties have had an opportunity to impeach or rebut the late filed material. The Commission must also consider whether any parties require further hearing to cross-examine regarding the late filed material. *See*, Puc 203.30(c) and Puc 203.27(c).

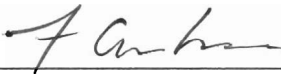
Staff has asked the other parties in this docket to indicate their concurrence, or opposition, to this motion to reopen and for administrative notice. The Office of Consumer Advocate takes no position. Union Telephone Company takes no position. segTEL, Inc. concurred with the motion for administrative notice but was not able to respond in time regarding the motion to reopen. Comcast concurred with the motion. The TDS Companies concurred with this motion. Mr. Bailay, represented by New Hampshire Legal Assistance (NHLA), concurred with this motion, so long as the motion to reopen is limited to the Comcast CLEC filing and NHLA is allowed to respond in writing to the Comcast CLEC filing by February 15, 2008.

In addition to reopening and taking administrative notice, Staff requests that the Commission allow any party to comment on the weight or relevance of the Comcast CLEC registration in writing by close of business this Friday, February 15, 2008.

Respectfully submitted:

STAFF OF THE PUBLIC UTILITIES COMMISSION

By its Attorneys



Date: February 12, 2008

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Staff Attorney  
21 South Street Suite 10  
Concord, NH 03301  
603-271-2431  
603-271-4033 fax

### CERTIFICATE OF SERVICE

The undersigned certifies that on February 12, 2008, a copy of this motion was served upon all parties on the Commission's service list for this docket by electronic mail pursuant to Puc 203.11.



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F. Anne Ross, Esq.

## **EXHIBIT 1**



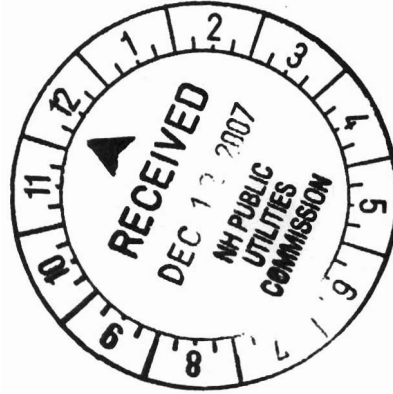
Andrew D. Fisher  
Senior Counsel

1500 Market Street  
Philadelphia, PA 19102  
215-286-3039

VIA OVERNIGHT MAIL

December 11, 2007

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Suite 10  
Concord, NH 03301-2429



**RE: CLEC Registration – Comcast Phone of New Hampshire, LLC**

Dear Executive Director Howland:

I am enclosing one copy of the above-referenced application. Can you please date stamp the enclosed copy page and forward in the self-addressed, pre-paid envelope.

If you should have any questions, please feel free to contact the undersigned or Stacey Parker, Senior Director, Regulatory Affairs at 978-927-5700.

Sincerely,

  
Andrew D. Fisher

c: Stacey Parker (via email)



**CLEC APPLICATION FOR REGISTRATION**

**1. General Information**

Federal Identification Number 30-0022802

Date of Application 12/11/07

Legal Name Comcast Phone of New Hampshire, LLC

Trade Name (d/b/a) Comcast Phone of New Hampshire, LLC  
 in New Hampshire

Contact Person Stacey Parker

Complete Mailing Address 12 Tozer Road  
Beverly, MA 01915

Phone Number 978-927-5700

Fax Number 978-927-6074

E-mail Address Stacey\_Parker@cable.comcast.com

**2. History of Applicant**

- a. Has the applicant, or have any of the general partners, corporate officers, director of the company, limited liability company managers or officers been convicted of any felony not annulled by a court? No
  - b. In the past ten years, has the applicant, or have any of the general partners, corporate officers, director of the company, limited liability company managers or officers had any civil, criminal or regulatory sanctions or penalties imposed pursuant to any state or federal consumer protection law or regulation? No
  - c. In the past ten years, has the applicant, or have any of the general partners, corporate officers, director of the company, limited liability company managers or officers settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation? No
  - d. Is the applicant, or are any of the general partners, corporate officers, director of the company, limited liability company managers or officers currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation? No
  - e. Has the applicant, or have any of the general partners, corporate officers, director of the company, limited liability company managers or officers been denied certification in any other state. No
- If so, please list each state. No

f. If the answer to any of the questions in a through e above is yes, please attach an explanation.

If you have any questions, please call the New Hampshire Public Utilities Commission at 603-271-2431.  
 Please mail any documents to the above address.



3. Service

List the three primary telecommunications services the company will provide:

a. Access

b. Exchange Access

c. Interexchange Service

Identify the applicant's proposed service area:

TDS Rate Centers in the following communities:

Andover, Antrim, Bennington, Boscowan, Chichester, Deering, Henniker, Hillsboro, Hopkinton, Loudon, New London,

Salisbury, Wilmont, Wilton

4. Required Attachments

- a. A copy of the New Hampshire Secretary of State Certificate of Authority
b. Proof of Surety Bond, if applicable
c. Form CLEC-1, Contact Information
d. A copy of the CLEC's complete rate schedule
e. A copy of Form CLEC -11, Adoption of Uniform Tariff, if applicable

5. Compliance Statements

I attest that the applicant will comply with all applicable New Hampshire laws and all Commission policies, rules and orders. [Signature] (initial)[Puc 430.02]

I attest that the applicant has the necessary managerial qualifications, technical competence and financial resources to operate the CLEC for which the applicant seeks registration. [Signature] (initial)

I attest that the applicant agrees to use with the Verizon New Hampshire rates for intraLATA switched access, as filed in Tariff 85, including future changes, or charge a lower rate. In the event the applicant believes a higher rate is justified, the applicant will file a separate petition with evidence supporting the higher rate. [Signature] (initial)

6. Signature

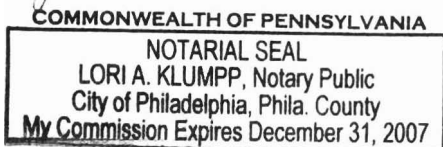
I David J. Kowolenko, (name) declare under penalty of perjury that I am authorized to make this verification for and on behalf of the applicant; that I have read the information provided by the applicant in the foregoing document and any and all attachments, and am informed and believe the same are true, and on that ground, affirm that the matters stated herein are true.

[Signature] Signed David J. Kowolenko, Vice President, Voice Services Title

Subscribed and sworn before me this 11th (day) of December (month) in the year 2007

County of Philadelphia

State of Pennsylvania



[Signature] Lori A. Klumpp
Notary Public/Justice of the Peace
My Commission expires 12/31/2007