

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DT 13-176**

**BRETTON WOODS TELEPHONE COMPANY**

**Joint Petition with Northern New England Telephone Operations, LLC  
d/b/a FairPoint Communications NNE to Modify Service Territory Boundaries**

**Order *Nisi* Approving Boundary Modifications**

**ORDER NO. 25,550**

**July 19, 2013**

On June 19, 2013, Bretton Woods Telephone Company (BWTC) and Northern New England Telephone Operations LLC d/b/a FairPoint Communications – NNE (FairPoint) (the Joint Petitioners) filed a joint petition pursuant to RSA 374:30 (Joint Petition) to modify service territory boundaries of the Joint Petitioners as described below and as specified in the Joint Petition and the maps filed therewith.

The Joint Petitioners request approval to modify their service territory boundaries by transferring to BWTC a small portion of FairPoint's service territory located at the Bretton Woods Ski Area in the Town of Carroll. There are no FairPoint customers presently located within the ski area and the boundary modification will accommodate an area presently served by BWTC, according to the Joint Petitioners.

The Joint Petitioners also request approval to modify their service territory boundaries by transferring to FairPoint a small portion of BWTC's service territory located on the summit of Mount Washington in Sargent's Purchase, an unincorporated place within Coos County. According to the Joint Petition, there currently are FairPoint and BWTC customers located

within this portion of the service territory, the proposed modification will not impact services provided to any customers of either Joint Petitioner, the Joint Petitioners do not propose to exchange any customers as a result of the proposed boundary modification, and each of the Joint Petitioners will retain its existing customers following the boundary modification.

No assets of either of the Joint Petitioners are being sold to the other Joint Petitioner in connection with the agreement to modify their respective service territories, according to the Joint Petition. According to Staff, the purpose of the Joint Petition is to request a change to the Commission's records to reflect the territories actually served by BWTC and FairPoint. Staff has recommended approval of the Joint Petition.

RSA 374:30, II permits an excepted incumbent local exchange carrier to transfer franchise territory to another utility when the Commission finds the utility to which the transfer is to be made is technically, managerially and financially capable of maintaining the obligations of an incumbent local exchange carrier set forth in RSA 362:8 and RSA 374:22-p. Pursuant to RSA 362:7, I (b) and (c)(1), FairPoint, as an incumbent local exchange carrier providing telephone service to more than 25,000 access lines, is an excepted local exchange carrier. According to the Joint Petition, BWTC, an established incumbent local exchange carrier and an excepted local exchange carrier,<sup>1</sup> has the technical, managerial, and financial capability of maintaining the obligations of an incumbent local exchange carrier as set forth in RSA 362:8 and RSA 374:22-p.

We find that the Joint Petitioners have made a sufficient showing that the proposed service territory boundary modifications should be approved under RSA 374:30, II. We find that

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<sup>1</sup> On December 14, 2012, BWTC elected to be an "excepted local exchange carrier." RSA 362:7, I(b) and (c)(2).

each of the Joint Petitioners is an established incumbent local exchange carrier and has the technical, managerial and financial capability to maintain the obligations of an incumbent local exchange carrier in an additional limited service area with a limited number of existing customers. Accordingly, we will grant the Joint Petition to modify the service territory boundaries of BWTC and FairPoint in the Town of Carroll and within the summit area of Mount Washington in Sargent's Purchase.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, the proposed franchise boundary modifications between BWTC and FairPoint are approved as filed and service shall be provided pursuant to the approved franchise boundaries; and it is

**FURTHER ORDERED**, that BWTC and FairPoint shall file properly annotated tariff pages and that BWTC and FairPoint shall file two copies of the relevant maps in compliance with this Commission order no later than thirty (30) days from the issuance of this order as required by N.H. Admin. Rules Puc 1603.02; and it is

**FURTHER ORDERED**, that the Joint Petitioners shall cause a copy of this Order *Nisi* to be (1) published once in a statewide newspaper of general circulation or of circulation in those portions of the State where operations are conducted, (2) delivered to the Town of Carroll Town Clerk, the New Hampshire Department of Resources and Economic Development Division of Parks and Recreation, the Coos County Commissioners, and the Coos County Register of Deeds, and (3) delivered to all customers located in the new franchise territory, such publication and service to be accomplished no later than July 29, 2013 and to be documented by affidavit filed with this office on or before August 13, 2013; and it is

**FURTHER ORDERED**, that all persons interested in responding to this Joint Petition shall submit their comments or file a written request for a hearing on this matter before the Commission no later than August 2, 2013; and it is


**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than August 9, 2013; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective August 16, 2013, unless the Joint Petitioners fail to satisfy the publication or service obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

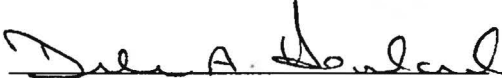
By order of the Public Utilities Commission of New Hampshire this nineteenth day of July, 2013.

  
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Amy L. Ignatius  
Chairman

  
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Michael D. Harrington  
Commissioner

  
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Robert R. Scott  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director