

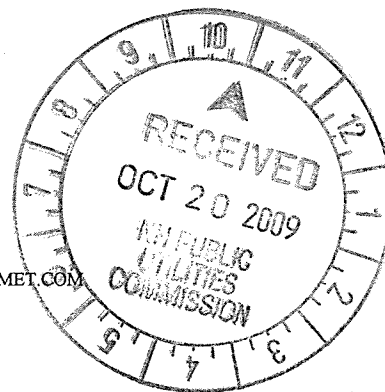
09-065
08-130

DEVINE MILLIMET

ATTORNEYS AT LAW

October 19, 2009

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VIA HAND DELIVERY

Eileen Fox, Clerk
New Hampshire Supreme Court
One Charles Doe Drive
Concord, NH 03301

Re: Appeal of Union Telephone Company d/b/a Union Communications, Supreme Court
Docket No. 2009-0168, Docket No. 2009-0432

Dear Clerk Fox:

Enclosed please find an original and eight (8) copies of the following documents with regard to the above-referenced matter:

1. Motion For Leave to Appear as *Amicus Curiae*;
2. *Amicus Curiae* Brief of Bretton Woods Telephone Company, Inc., Dixville Telephone Company, Dunbarton Telephone Company, Inc., Granite State Telephone, Inc., Kearsarge Telephone Company, Merrimack County Telephone Company Pursuant To Supreme Court Rule 30; and
3. Certificate of Service.

Thank you for your assistance in this matter and please do not hesitate to call with any questions.

Very truly yours,

Patrick C. McHugh

PCM:rah

Enclosures

cc: Debra H. Howland
Meredith A. Hatfield
Robert J. Munnelly, Jr., Esq.
Olga L. Bogdanov, Esq.
Susan Geiger, Esq.
Martin C. Rothfelder, Esq.
Michael Delaney
James W. Kennedy, III, Esq.

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THE STATE OF NEW HAMPSHIRE

SUPREME COURT

Docket No. 2009-0168

Docket No. 2009-0432

APPEAL OF UNION TELEPHONE COMPANY d/b/a UNION COMMUNICATIONS

BRETTON WOODS TELEPHONE COMPANY, INC., ET AL.
MOTION FOR LEAVE TO APPEAR AS *AMICUS CURIAE*

NOW COME Bretton Woods Telephone Company, Inc., Dixville Telephone Company, Dunbarton Telephone Company, Inc., Granite State Telephone, Inc., Kearsarge Telephone Company and Merrimack County Telephone Company, all rural local exchange carriers (“RLECs”), by and through their attorneys, Devine, Millimet & Branch, Professional Association, and submit this Motion for Leave to Appear as *Amicus Curiae* pursuant to Rule 30 of the New Hampshire Supreme Court rules. In support of this motion, the RLECs state as follows:

1. Like the Appellant, Union Telephone Company (“Union”), the RLECs are New Hampshire corporations and public utilities as defined in RSA 362:2 and are regulated by the New Hampshire Public Utilities Commission. The RLECs provide telecommunications services to residential and business customers and access services to interexchange carriers. Like Union, each is a rural telephone company as that term is defined at 47 U.S.C. §153(37) and as that term is used in 47 U.S.C. § 251(f)(1). Each of the RLECs is a carrier of last resort in its respective service territory, and bears the extra obligations and responsibilities attendant to this status.

2. The RLECs share Union's concerns that the Commission's decisions in these cases are not in accordance with New Hampshire law and are contrary to the public interest. The legal issues at the core of the Union appeals are applicable to the RLECs and, for that reason, any decision of the Court will have a direct effect on the RLECs. To ensure that the Court has the fullest understanding of the views of all the parties that will be affected by its decision, the RLECs respectfully seek leave to file a brief as *amicus curiae* in support of the Appellant.

3. By telephone conference, counsel for Appellant, Martin C. Rothfelder, Esq. of 625 Central Avenue Westfield, NJ 07090, (908) 301-1211, has consented to the RLECs' filing of a Brief *Amicus Curiae* in the instant matter.

4. By email exchange, counsel for Appellee MetroCast Cablevision of New Hampshire, LLC ("Metrocast"), Robert J. Munnelly, Jr., Esq., of 99 High Street, Boston, MA 02110, (617) 457-4062, has stated that while Metrocast does not support the arguments advanced by the RLECs, Metrocast will not object to the RLECs' filing of a Brief *Amicus Curiae* in the instant matter.

5. By email exchange, counsel for Appellee IDT Telecom, Inc. ("IDT"), Carl W. Billek, Esq., of 550 Broad Street, Newark, NJ 07102, (973) 438-4854, has stated that while IDT does not support the RLECs' filing of a Brief *Amicus Curiae* in the instant matter, IDT will not oppose the RLECs' motion for leave to file a Brief *Amicus Curiae*.

6. The RLECs do not request oral argument.

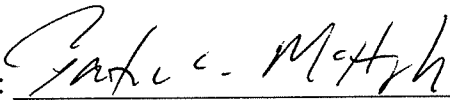
WHEREFORE, the RLECs respectfully request that this Court:

- A. Grant them leave to file a brief as *amicus curiae* in these matters; and
- B. Grant such other and further relief as may be deemed just, equitable and proper.

Respectfully submitted,

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION

Date: October 19, 2009

By: 

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Merrimack County Telephone Company

STATE OF NEW HAMPSHIRE
SUPREME COURT

SUPREME COURT DOCKET NO. 2009-0168

APPEAL OF
UNION TELEPHONE COMPANY d/b/a UNION COMMUNICATIONS

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of (1) Motion For Leave to Appear as *AMICUS CURRIAE*; (2) *Amicus Curiae* Brief of Bretton Woods Telephone Company, Inc., Dixville Telephone Company, Dunbarton Telephone Company, Inc., Granite State Telephone, Inc., Kearsarge Telephone Company, Merrimack County Telephone Company; and (3) Certificate of Service served upon the following parties by overnight mail.

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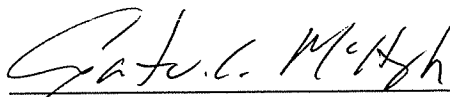
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October 19, 2009