

Exhibit 2 - Public

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

DT 11-_____

PETITION OF UNION TELEPHONE COMPANY FOR
APPROVAL OF AN ALTERNATIVE FORM OF REGULATION

PREFILED DIRECT TESTIMONY OF THOMAS E. MURRAY
ON BEHALF OF UNION TELEPHONE COMPANY

FEBRUARY 1, 2011

ORIGINAL
N.H.P.U.C. Case No. <u>DT 11-024</u>
Exhibit No. <u>Union-2P</u>
Witness _____
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1 **PREFILED DIRECT TESTIMONY OF THOMAS E. MURRAY**

2 **Q. Please state your name and business address.**

3 A. My name is Thomas E. Murray and my business address is 24 Depot Square, Unit
4 2, Northfield, Vermont 05663.

5 **Q. By whom are you employed, and in what capacity?**

6 A. I am employed by TDS Telecom Service Corporation (“TDS Telecom”) as
7 Manager - State Government Affairs in TDS Telecom’s Government and
8 Regulatory Affairs Department. I have responsibility for the State Regulatory
9 affairs and State Legislative affairs in Maine, New Hampshire, Vermont and New
10 York.

11 **Q. Please describe your relevant background and experience.**

12 A. My background includes twenty years in the telecommunications field including
13 seven years of employment at TDS Telecom, four years with Rural Cellular Corp.
14 and six years in Vermont state government. I have most recently served as the
15 Chief Information Officer for the State of Vermont and as Executive Director of
16 the Vermont Telecommunications Authority.

17 **Q. What are your duties at TDS Telecom?**

18 A. I directly manage regulatory, legislative and industry relations for 21 TDS
19 Telecommunications Corporation (“TDS”) ILECs in the four-state area I
20 mentioned earlier. I have direct responsibility for each state’s regulatory and

1 legislative activity. Duties include monitoring and participation in regulatory
2 dockets and proceedings, as well as legislative and industry activities.

3 **Q. Do you consider the information contained in your testimony to be**
4 **confidential in nature?**

5 A. Yes, a portion of my testimony describes analysis of our competition and future
6 plans for Union Telephone Company (“Union” or “the Company”) and is
7 therefore competitively sensitive. A Motion for Confidential Treatment on behalf
8 of Union accompanies this testimony.

9 **Q. What is the purpose of your testimony?**

10 A. My testimony is submitted in support of the petition by Union to adopt an
11 Alternative Regulation Plan (the “Plan”, which is Exhibit 1 to the petition)
12 pursuant to New Hampshire RSA 374:3-b, and is in two parts. In Part 1, I review
13 the eligibility criteria under that statute for approval of such a plan and describe
14 how Union and the Plan meet each of those criteria. In Part 2, I review additional
15 items related to the Plan not covered in Part 1.

16 **Q. Why is Union seeking Alternative Regulation at this time?**

17 A. The rapid evolution of competitive wireless, wireline and Voice over Internet
18 Protocol (“VoIP”) providers has created a situation where traditional telephone
19 companies require marketing flexibility and comparable regulation in order to
20 survive. In Union’s particular circumstance, a cable telephone provider operating
21 throughout Union’s service territory enjoys considerably less regulation than
22 Union and has garnered market share from Union. Union is now a member of the

1 TDS family of companies and TDS believes that all of their New Hampshire
2 companies should have a level playing field with their competitors. Competition
3 in these various forms presents a significant threat to the viability of small
4 telephone companies and our ability to sustain our universal service
5 commitments. Union and TDS believe it is in the best interest of the Company,
6 its customers and the State of New Hampshire to grant alternative regulation
7 status to Union, so that Union can compete and continue to provide services to
8 rural New Hampshire residents and businesses.

9 **PART 1 – ELIGIBILITY CRITERIA REVIEW OF THE PLAN**

10 **Q. Does Union meet the threshold eligibility requirements of RSA 374:3-b?**

11 A. Yes. As required by RSA 374:3-b, II, Union is an incumbent local exchange
12 carrier subject to rate-of-return regulation and serves fewer than 25,000 access
13 lines. Union serves approximately 5,300 access lines in a service territory
14 comprised of the Alton, Barnstead, Center Barnstead, Gilmanton Iron Works, and
15 New Durham exchanges.

16 **Q. What standard have you applied in your analysis?**

17 A. I have followed RSA 374:3-b, III, which states:

18 “The Commission shall approve the alternative regulation plan if it finds
19 that:

20 (a) Competitive wireline, wireless, or broadband service is
21 available to a majority of the retail customers in each of the exchanges
22 served by such small incumbent local exchange carrier;

23 (b) The plan provides for maximum basic local service rates at
24 levels that do not exceed the comparable rates charged by the largest
25 incumbent local exchange carrier operating in the state and that do not
26 increase by more than 10 percent in each of the 4 years after a plan is

1 approved with the exception that the plan may provide for additional rate
2 adjustments, with public utilities commission review and approval, to
3 reflect changes in federal, state, or local government taxes, mandates,
4 rules, regulations, or statutes;

5 (c) The plan promotes the offering of innovative
6 telecommunications services in the state;

7 (d) The plan meets intercarrier service obligations under other
8 applicable laws;

9 (e) The plan preserves universal access to affordable basic
10 telephone service; and

11 (f) The plan provides that, if the small incumbent local exchange
12 carrier operating under the plan fails to meet any of the conditions set out
13 in this section, the public utilities commission may require the small
14 incumbent local exchange carrier to propose modifications to the
15 alternative regulation plan or return to rate of return regulation.”

16 **Q. Please describe your analysis and your conclusions regarding the Petition**
17 **and Plan.**

18 A. I will discuss each of the criteria in turn.

19 **1. RSA 374:3-b, III(a) – Availability of Competitive Alternatives**

20 **Q. Is a competitive local exchange carrier certified to provide service in each of**
21 **Union’s exchanges?**

22 A. Yes. On September 19, 2008, MetroCast Cablevision of New Hampshire, LLC
23 (“MetroCast”), applied to the New Hampshire Public Utilities Commission (the
24 “Commission”) to amend its certification as a competitive local exchange carrier
25 (“CLEC”) to add Union’s service territory to MetroCast’s existing service in the
26 territory of Northern New England Telephone Operations LLC, d/b/a FairPoint
27 Communications (the “2008 MetroCast Application”). On September 30, 2008,
28 the Commission issued a certificate which authorized MetroCast to provide local
29 exchange service in each of the exchanges served by Union. Copies of the

1 MetroCast Application and the Commission's certificate of authority are attached
2 hereto as Attachments A-1 and A-2, respectively.

3 In addition, on February 19, 2009 (as amended on February 23, 2009),
4 IDT America, Corp. ("IDT") applied to the Commission to amend its certification
5 as a CLEC to add Union's service territory to its existing authority to serve in
6 FairPoint's New Hampshire exchanges (the "IDT Application"). On March 6,
7 2009, the Commission issued a certificate which authorized IDT to provide local
8 exchange service in each of the exchanges served by Union. Copies of the IDT
9 Application and the Commission's certificate of authority are attached hereto as
10 Attachments B-1 and B-2, respectively.

11 On January 18, 2011, the Commission redesignated both MetroCast and
12 IDT as CLECs in Union's service territory, following proceedings required by a
13 remand order from the New Hampshire Supreme Court. *See* DT 08-130 & 09-
14 065, Order No. 25,193 (Jan. 18, 2011).

15 As MetroCast explained to the Commission, in an attachment to the 2008
16 MetroCast Application, MetroCast and IDT have a commercial relationship in
17 which MetroCast offers cable-broadband service to its end-user customers over its
18 existing cable-plant facilities, and IDT

19 "provide[s] MetroCast with connectivity to the Public Switched
20 Telephone Network ('PSTN'), local number port-in and port-out,
21 enhanced 911 interconnection, operator/directory assistance,
22 directory listings, and the necessary numbering resources to
23 service MetroCast end-user customers located in MetroCast's
24 service area in New Hampshire. IDT will provide an end-to-end
25 solution by integrating the IP platform to deliver a fully automated
26 digital phone and high-speed data provisioning solution including
27 PSTN service activation and interconnection. MetroCast's two-

1 way cable plant will be used for an IP-based cable telephony
2 solution.”

3 **Q. Does MetroCast have facilities in place and offer wireline service to a**
4 **majority of the customers in each of Union’s exchanges?**

5 A. Yes. I have attached hereto, as Confidential Attachment C, a signed affidavit
6 provided by Jeffrey P. Drapeau, the General Manager for MetroCast.
7 Accompanying Mr. Drapeau’s affidavit, as Confidential Attachment C-Exhibit 1,
8 are confidential MetroCast maps with detailed information showing MetroCast’s
9 cable telecommunications plant (highlighted in green). MetroCast has also
10 included on the maps a count of the homes and businesses not passed by
11 MetroCast’s cable routes in each municipality. In his affidavit, Mr. Drapeau then
12 indicates the number of homes and businesses passed by MetroCast and confirms
13 that MetroCast passes a majority of homes in each of the municipalities in
14 Union’s service territory, and also that MetroCast offers bundled and unbundled
15 voice services and high-speed Internet service to all homes passed by their
16 facilities.

17 Using the data from the confidential MetroCast maps, Union has prepared
18 Highly Confidential Attachments D-1 through D-5, respectively, which are
19 service territory maps for each of Union’s five exchanges with the MetroCast-
20 provided cable routes included. In addition, Union has plotted the homes and
21 businesses in each of the Union exchanges; these customers are shown as red dots
22 on the maps. These maps clearly show that MetroCast has facilities in place to
23 offer wireline service to a majority of the customers in the Union exchanges of
24 Alton (Highly Confidential Attachment D-1), Barnstead (Highly Confidential

1 Attachment D-2), Center Barnstead (Highly Confidential Attachment D-3),
2 Gilmanton Iron Works (Highly Confidential Attachment D-4) and New Durham
3 (Highly Confidential Attachment D-5).

4 **Q. Please explain the differences between the MetroCast maps (Confidential**
5 **Attachment C-Exhibit 1) and the Union maps (Highly Confidential**
6 **Attachment D).**

7 A. MetroCast has provided confidential maps of its cable plant on a municipality-
8 specific basis, which is consistent with their municipality-specific franchise
9 authority. However, Union's burden under RSA 374:3-b, III(a) requires evidence
10 of service availability for each exchange, rather than for each municipality.
11 Union has taken the cable plant data from the MetroCast municipal maps and
12 overlaid Union's exchange boundaries and customer locations. The resulting
13 maps (Highly Confidential Attachments D-1 through D-5), which show each of
14 Union's exchanges, with Union customer locations overlaid on MetroCast's cable
15 facility maps, clearly indicate that MetroCast can serve a majority of customers in
16 each Union exchange. In the case of the Center Barnstead exchange, Union has
17 also included totals for the number of customers passed by MetroCast facilities
18 and the total customers in the exchange. This is because a simple visual depiction
19 of the customer locations might raise a question of whether MetroCast service is
20 available to the majority of customer locations. But in fact, as reflected in the
21 number totals, [REDACTED] customer locations in Center Barnstead have
22 MetroCast service available to them.

1 **Q. Have any Union access lines been ported to IDT on behalf of MetroCast since**
2 **its September 30, 2008, certification date?**

3 A. Yes. Union began porting numbers from Union to IDT on behalf of MetroCast in
4 January 2010. Confidential Attachment E shows that [REDACTED] access lines have been
5 ported from Union to IDT through January 16, 2011.

6 **Q. Are you providing any information in your testimony related to the level of**
7 **wireless or broadband service that is available in the Union exchanges?**

8 A. We are not providing any wireless competition data at this time. The MetroCast
9 data that is provided within this testimony conclusively demonstrates that a third-
10 party wireline alternative is currently available to the majority of the customers in
11 each of the Union exchanges. MetroCast, as shown in their affidavits and
12 discussed in this testimony, provides competitive broadband services on 100% of
13 their cable plant facilities within the Union exchanges. This enables VoIP
14 offerings from numerous other providers, such as Vonage or Skype, as further
15 competition to Union's voice services.

16 **Q. Are the MetroCast wireline voice and broadband services currently offered**
17 **in the Union exchanges competitive services and sufficient to permit**
18 **alternative regulation under the Plan?**

19 A. Yes. MetroCast is a Competitive Local Exchange Carrier operating in each of
20 Union's exchanges. MetroCast competes directly with Union for the privilege of
21 providing local exchange telephone service and broadband to the majority of the
22 customers in each of Union's exchanges. As discussed above, Confidential
23 Attachment E shows the number of access lines we have ported directly to

1 MetroCast/IDT in just over one year. Moreover, in a recent order approving a
2 similar alternative regulation plan for Kearsarge Telephone Company (“KTC”),
3 the Commission considered the availability of a competitive VoIP offering by
4 Comcast in the KTC service area and found that, “[b]ecause Comcast is offering
5 wireline voice services in the KTC exchanges, we are persuaded that it is
6 providing a competitive alternative to TDS’ voice service.” DT 07-027, Order
7 No. 25,182 (Dec. 22, 2011) (“KTC Order”), at 23. The Commission also found
8 that “Comcast is offering a service that is drawing some of KTC’s customers
9 away, which is evidence that this alternative is competitive, as the term is used in
10 the statute.” KTC Order, at 25.¹

11 **Q. Does MetroCast offer competitive voice service in each of Union’s**
12 **exchanges?**

13 A. Yes. In addition to Mr. Drapeau’s affidavit, MetroCast has also provided a
14 second affidavit (Confidential Attachment F), prepared by Joshua Barstow, Vice
15 President of Advanced Services for MetroCast. Mr. Barstow’s affidavit explains
16 MetroCast’s service availability and provides detailed pricing and marketing
17 information on MetroCast’s voice offerings throughout the Union exchanges. Mr.
18 Barstow’s affidavit further reinforces the evidence mentioned above regarding the
19 percentage of homes covered by MetroCast and provides product pricing
20 information as well as a MetroCast marketing brochure. Mr. Barstow states:
21 “MetroCast makes available to all addresses for which it has facilities in the
22 Union service territory a voice only offering”. The two affidavits together

¹ Order No. 25,182 is presently subject to a motion for rehearing filed on January 19, 2011.

1 underscore the conclusions I have reached regarding the scope of MetroCast's
2 coverage and the competitiveness of their service offerings to customers in
3 Union's exchanges.

4 **Q. Is there any additional information you wish to provide regarding the level
5 and impact of competition in the Union service territory?**

6 A. Yes, I believe it is important to consider the impact of competition and line loss in
7 total for a small telephone company such as Union. I have included Attachment
8 G, which is a table showing Union's total access line loss from Year-End 2004
9 through Year-End 2010. During this period, the number of Union's access lines
10 dropped from 7,815 to 5,273, a total loss of 2,542 access lines, or 32.5% of
11 Union's access lines, over a 6-year period. This table provides further proof of
12 the impact of competition and line loss [REDACTED]
13 [REDACTED] further reinforcing the need for the additional flexibility that alternative
14 regulation would provide to Union.

15 **2. RSA 374:3-b, III (b) – Price Cap for Basic Service**

16 **Q. Please briefly describe the pricing provisions of the Alternative Regulation
17 Plan.**

18 A. For purposes of conforming the Plan to the objectives of the statute (i.e.,
19 significantly reducing regulation of retail services while preserving universal
20 service and meeting intercarrier obligations), the services are put into three
21 buckets: (i) basic retail services, (ii) non-basic retail services and (iii) wholesale
22 services. While it is defined further within the Plan, basic retail services are

1 residential and business single-party line voice services that include the additional
2 features that constitute “basic service” as defined in Puc 402.05 and Puc 412.01.
3 Wholesale services are those services that are provisioned to other
4 telecommunications carriers for interconnection of networks (e.g., switched
5 access, reciprocal compensation, special access). Any other services that do not
6 fall within the definitions of basic retail services or wholesale services are
7 classified as non-basic retail services.

8 **Q. How are rates for basic retail service set up under the Plan?**

9 A. As required by the guiding statute, rates for basic retail services cannot be raised
10 higher than the rates charged by the largest incumbent local exchange carrier in
11 New Hampshire (the “Rate Cap”). Essentially, Union will be able to adjust basic
12 retail service rates at its own discretion as long as it does not exceed this Rate
13 Cap. In addition, each basic retail service rate cannot increase by more than 10
14 percent each year for the initial four years under the Plan (the “Annual Percentage
15 Rate Cap”). With these two rate cap elements, the Plan meets the requirements of
16 RSA 374:3-b, III(b).

17 **Q. Please identify the current monthly residential single-party line voice service**
18 **rate at each of Union’s exchanges, and the corresponding rate cap.**

19 A. The current monthly residential single-party line voice service rate is \$13.21 for
20 each Union exchange. The current corresponding Rate Cap will be \$14.43, with
21 the exception of the Center Barnstead exchange, which will have a Rate Cap of
22 \$15.71. These Rate Caps are based on FairPoint’s current local rate groups,
23 which vary based on the number of callable access lines in the local calling area.

1 The reason for the higher Rate Cap in the Center Barnstead exchange is because
2 Center Barnstead has a larger local calling scope, which would place them in a
3 higher FairPoint local rate group as compared to the other Union exchanges and
4 thus produces a higher Rate Cap.

5 **Q. How does the Plan impact the 14-month Stay Out Period agreed to by**
6 **stipulation in DT 09-136 (Union Telephone Company Transfer of Assets to**
7 **TDS Telecom)?**

8 A. In Order No. 25,045 (Nov. 20, 2009), issued in Docket DT 09-136, the
9 Commission approved the stipulation agreement reached among TDS, Union, the
10 Office of Consumer Advocate, and Commission Staff. Page 6 of that order states

11 "TDS Telecom and Union will not file with the Commission at any point
12 in time earlier than 14 months following the transition from Union's
13 present operational support systems for regulated services to TDS
14 Telecom's operational support systems for regulated services (the
15 "Transition", and the fourteen month period following the Transition
16 being the "Stay Out Period") a petition for an increase in Union's New
17 Hampshire basic retail rates to take effect during the Stay Out Period."

18 Under the Plan, Union is not able to increase basic retail rates until 14 months
19 following the Transition, which took place on July 26, 2010. The Stay Out Period
20 thus expires as of September 26, 2011.

21 **Q. Are exogenous adjustments made to the rates for basic retail service used in**
22 **determining the Rate Caps or the Annual Percentage Rate Cap?**

23 A. Yes. In addition to rate changes allowed under the statutory Rate Caps, the Plan,
24 pursuant to RSA 374:3-b,III(b) authorizes additional rate adjustments that are
25 made as a result of exogenous changes as defined within the statute. As a result,

1 the Rate Cap and Annual Percentage Rate Cap can be adjusted to reflect the Rate
2 Cap plus or minus any changes made due to an exogenous event.

3 **Q. Could you explain the exogenous change provision of the Plan?**

4 A. The purpose of the exogenous change provision is to allow the Company to make
5 changes to its rates for basic retail services due to financial impacts that result
6 from a governmental action that is not within the control of the Company.
7 Specifically, an exogenous event is a change in any single federal, state, or local
8 government tax, mandate, rule, regulation, or statute that would cause a change in
9 Union's total intrastate regulated revenue, expenses, or plant in service, of more
10 than 5% in any twelve-month period, as compared to the base period. Any
11 change in rates resulting from an exogenous change must receive the approval of
12 the Commission. The process would entail the Company filing a petition with the
13 Commission (or the Commission acting upon its own motion) seeking such
14 adjustments to a basic retail service rate beyond those allowed within the Plan.
15 After an opportunity for a hearing on the matter, the Commission would either
16 approve or deny the petition.

17 While it is not anticipated that there will be many exogenous events, the
18 provision is needed to allow for events that are outside the control of the
19 Company. For example, if the Federal Communications Commission eventually
20 implements a new regime for intercarrier compensation, the Company may need
21 to adjust its basic retail rates to reach a specific national benchmark rate before
22 drawing from a national funding mechanism. Such a government mandate would

1 likely require the Company to adjust its basic retail rates beyond the limit allowed
2 for under its Plan.

3 **Q. Will Union be able to offer customers bundles of services that include basic**
4 **retail service?**

5 A. Yes. As long as the basic retail service in the bundle is available separately to the
6 customer, Union will also be able to offer it in a bundle with any other regulated
7 or unregulated services. The rates for the bundle will not be limited by a cap or
8 any other restriction. However, customers desiring the stand-alone basic retail
9 service will continue to be able to purchase it subject to the rate cap.

10 **Q. How are rates for non-basic retail service set under the Plan?**

11 A. Under the Plan, rates for non-basic retail services will be subject to the same very
12 limited regulation that competitive companies face, i.e., the limits on these rates
13 will be set by the market, not by regulation.

14 **3. RSA 374:3-b, III(c) – Innovative Services and RSA 374:3-b, III(d)**
15 **Intercarrier Obligations**

16 **Q. Does the Plan promote the offering of innovative telecommunications**
17 **services in New Hampshire and meet intercarrier service obligations under**
18 **applicable law?**

19 A. Yes. Under the Plan, Union will not oppose Commission certification or
20 registration of any company seeking to do business as a CLEC in its service
21 territory. In addition, the Company agrees to waive the federal rural exemption as
22 qualified in the Plan, and agrees to shorter timeframes for negotiating

1 interconnection agreements. When presented with identical provisions in a
2 settlement agreement for an analogous proceeding involving Wilton Telephone
3 Company, Inc. (“Wilton”) and Hollis Telephone Company, Inc. (“Hollis”) in DT
4 07-027, the Commission found that the

5 “agreements in the settlement: not to oppose CLEC registration, to waive
6 the rural exemption, and to agree to shorter time frames for negotiating
7 interconnection agreements, fulfill both 374:3-b, III(c) and (d). By
8 reducing barriers to competitive wireline entry, the TDS Companies have
9 clearly enhanced competition and thereby promoted the offering of
10 innovative telecommunications services. By these concessions the TDS
11 Companies have also enhanced their intercarrier service obligations in
12 support of 374:3-b, III(d).” (DT 07-027, Order No. 24,852 (Apr. 23,
13 2008), at 28.)

14 In addition, Union commits to providing its customers with a high quality
15 network by making investments in its telecommunications infrastructure as well
16 as maintaining the network to ensure its reliability for the provisioning of high
17 quality telecommunication services to its customers throughout its service
18 territory. The Company will also regularly assess the satisfaction of its customers
19 under the Plan. Moreover, the Commission will continue to maintain the ability
20 to monitor the provisioning of service by the Company to its customers.

21 Specifically, Union will continue reporting service quality metrics to the
22 Commission, which will aid it in ensuring that customers are receiving adequate
23 service. In the analogous KTC proceeding in DT 07-027, which I previously
24 discussed, the Commission recently found as follows:

25 “The plan specifically provides, in section 5.1, that KTC will commit to
26 maintain its network in such a manner that it will be able to offer state-of-
27 the-art, innovative services to its customers, either through itself or its
28 wholesale providers. Moreover, in section 5.1.2, KTC commits to assess
29 its customers’ satisfaction. In that KTC has committed to maintaining a
30 network sufficient to provide innovative services and that it will, with the
31 same goal, be assessing the satisfaction of its customers, we find that the

1 plan promotes the offering of innovative telecommunications services as
2 required by RSA 374:3-b, III(c).” See DT 07-027, Order No. 25,182 (Dec.
3 22, 2010), at 26-27.²

4 **Q. How are rates for wholesale services set under the plan?**

5 A. Under the Plan, there are no changes to the existing level of regulation regarding
6 the pricing, tariffing, or other state and federal intercarrier obligations concerning
7 Union’s provisioning of wholesale services. Union shall meet its intercarrier
8 obligations under other applicable laws including, without limitation, the federal
9 Telecommunications Act of 1996 and applicable successor legislation.

10 **4. RSA 374:3-b, III(e) – Universal Service**

11 **Q. Does the Plan preserve universal access to affordable basic telephone
12 service?**

13 A. Yes. Union will continue investing in its network to meet customers’ needs,
14 ensuring that customers receive essential services. In addition, Union will
15 continue to provide service as the carrier of last resort. Moreover, the extensive
16 competition in each of Union’s exchanges, together with the limitations on basic
17 service rates under the Plan, will ensure that basic telephone service will remain
18 available and affordable. Finally, Union will continue to participate in the federal
19 universal service program and maintain its status as an eligible
20 telecommunications carrier under 47 U.S.C. § 254.

21 **5. RSA 374:3-b, III (f) – Modification or Termination**

² As noted in footnote 1 above, a motion for rehearing is pending for Order No. 25,182.

1 **Q. What would happen under the Plan in the event that Union fails to meet any**
2 **of the conditions for alternative regulation set forth in RSA 374:3-b?**

3 A. In such an event, the Commission would be able to enforce Union's compliance
4 with any such condition, require modification of the Plan to achieve such
5 compliance or order the Company to return to rate-of-return regulation. An
6 evidentiary hearing would be afforded Union to determine whether or not it was
7 meeting the conditions set forth in RSA 374:3-b.

8 **Q. What conclusion have you reached as a result of your review of the statutory**
9 **criteria of RSA 374:3-b as they relate to the Company and the proposed**
10 **Plan?**

11 A. I conclude that Union meets the eligibility requirements for approval of an
12 alternative form of regulation and that the Plan satisfies each of the requirements
13 of RSA 374:3-b.

14 **PART 2 – ADDITIONAL REVIEW OF THE PLAN**

15 **Q. What are the goals of the Plan?**

16 A. The goals of the Plan are designed to comply with the specific criteria set forth in
17 RSA 374:3-b. Specifically, the goals are to:

- 18 • Set forth the regulatory requirements applicable to the Company's retail
19 operations that are comparable to the regulation the Commission applies to
20 CLECs.

- 1 • Ensure that a high level of service continues to be provided to the
- 2 Company's customers while maintaining a network that meets customer
- 3 needs and allows customers to have access to innovative services.
- 4 • Facilitate the transition to a competitive telecommunications market in the
- 5 areas served Union.
- 6 • Meet intercarrier service obligations.
- 7 • Preserve universal service by maintaining the status of the Company as the
- 8 carrier of last resort to ensure customers have access to affordable basic
- 9 telephone service.

10 **Q. How does the Plan regulate the retail operations of Union compared to the**
11 **regulation the Commission applies to a CLEC?**

12 A. Pursuant to the statute, under the Plan Union would be regulated in a manner
13 comparable to the regulation that applies to a CLEC. The exceptions are (i) the
14 rate cap on basic retail service rates, (ii) the regulation of wholesale service rates
15 and (iii) the continuing requirement for Union to serve as the carrier of last resort.
16 Appendix 1 of the Plan details the administrative rules of the Commission that
17 will be applicable to Union while it operates under the Plan.

18 **Q. What tariffing requirements are required by the Plan when establishing**
19 **prices for Union's basic and non-basic retail services?**

20 A. Appendix 1 to the Plan lists the PUC Rules that we believe to be in concurrence
21 with RSA 374:3-b. In the case of tariffing, Union will be following the Uniform

1 Tariff requirements of Puc 431.05(a)-(c). The Company will file the Uniform
2 Tariff within 90 days from the Commission’s final order approving the Plan.

3 **Q. Please describe how you arrived at the list of administrative rules that will be**
4 **applicable to Union under the Plan.**

5 A. On April 23, 2008, the Commission approved the amended alternative regulation
6 plans of Wilton and Hollis in Order No. 24,852 in DT 07-027. The list of
7 administrative rules in Appendix 1 to Union’s Plan is identical in scope to the
8 administrative rules currently applicable to Wilton and Hollis. The proposed list
9 is also identical in scope to the administrative rules that would be applicable to
10 Kearsarge Telephone Company under Order No. 25,182, issued by the
11 Commission on December 22, 2010, although this Order is now subject to a
12 motion for rehearing filed on January 19, 2011.

13 **Q. Does the Plan change the requirements of Order No. 25,045 (Nov. 20, 2009)**
14 **regarding the Service Quality Reporting requirements that Union agreed to**
15 **in DT 09-136 (Transfer of Union Telephone Assets to TDS Telecom)?**

16 A. No. By Stipulation in DT 09-136, which the Commission adopted in Order No.
17 25,045, Union agreed as follows:

18 TDS Telecom shall file on a non-confidential basis quarterly
19 service quality performance reports on behalf of Union for a period
20 of not less than one year following that date on which Union
21 provides written notice to the Staff and the OCA of its ability to
22 track and report service quality data (the “Union Service Quality
23 Tracking Notification”).

24 On October 1, 2010, Union notified the Commission in writing that its systems
25 were tracking service quality metrics. In early January 2011, Union submitted the

1 required service quality performance reports for the last quarter of 2010 to the
2 Commission. These reports will continue to be submitted through October 1,
3 2011, as agreed to in the stipulation, after which time Union anticipates
4 transitioning to the service quality reporting obligations specified in the Plan.

5 **Q. What is the term of the Plan?**

6 A. The Plan will be effective on the first day of the month following the issuance of
7 the Commission's final order approving the Plan, and will continue until the Plan
8 is terminated. The Plan does not have a termination date. Union can terminate
9 the Plan upon its own initiative by filing a notice of termination with the
10 Commission. Upon filing such a letter, Union would immediately return back to
11 its prior regulation or, in the alternative, if the Company qualifies for another
12 form of regulation at that time, it could elect that form of regulation. The
13 Commission may also terminate the Plan under Section 2.3 of the Plan as
14 discussed earlier in this testimony.

15 **Q. What are the benefits of the Plan to the customers of Union?**

16 A. The benefits to customers include all benefits brought by competition: attractive
17 pricing and bundling, along with Union's commitment to provide a network that
18 will enable provisioning of innovative services and preserve access to affordable
19 basic telephone service. At the same time, the Plan limits customer risks by
20 limiting basic local rate changes in conjunction with capping basic local service
21 rates. From a customer's point of view this is a "win, win" situation. The
22 company who wants to serve them will have a level playing field to compete with
23 new providers, likely bringing customers better services while assuring the

1 continuation of affordable basic local telephone service. The Commission will
2 continue to monitor the success or failure of the Plan and can act at any time to
3 assure compliance with the provisions of the statute and applicable PUC rules.

4 **Q. Does this conclude your testimony?**

5 **A. Yes, it does.**



NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
21 S. FRUIT ST., STE 10 CONCORD, NH 03301-2429
603-271-2431
www.puc.nh.gov

NHPUC Form CLEC-10
Application for Registration
Page 1 of 2
Puc 449.07
Rev. 12/06/04

CLEC APPLICATION FOR REGISTRATION
(Amended September 19, 2008)

1. General Information

Federal Identification Number 51-0379048

Date of Application September 19, 2008

Legal Name MetroCast Cablevision of New Hampshire, LLC

Trade Name (d/b/a)
in New Hampshire MetroCast Cablevision

Contact Person Josh Barstow

Complete Mailing Address 9 Apple Road
Belmont, NH 03220

Phone Number 603-527-3632

Fax Number 603-524-5190

E-mail Address jbarstow@metrocast.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. Local exchange telephone service

b. IntraLATA toll service

c. InterLATA toll service

Identify the applicant's proposed service area:

This applicant seeks authority to serve all communities served by MetroCast Cablevision, including with Verizon and with Union Telephone as the incumbent local exchange carrier. See Amended Exhibit A to this application (list of MetroCast Communities served by Verizon and Union, respectively).

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. JSB (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. JSB (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. JSB (initial)

6. Signature

I Josh Barstow, (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.

Josh Barstow Signed Vice President of Advanced Services Title

Subscribed and sworn before me this 18 (day) of September (month) in the year 2008

County of New London

State of Connecticut

S.S. New London

Elsa I. Concepcion
Notary Public/Justice of the Peace
My Commission expires ELSA I. CONCEPCION
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2010

Exhibit A (Amended)

MetroCast Communities Served by FairPoint (f/k/a Verizon) as ILEC

Alexandria
Alton (excluding areas served by Union)
Barnstead
Barrington
Belmont
Bridgewater
Bristol
Center Harbor
Deerfield
Epsom
Farmington (excluding areas served by Union)
Franklin
Gilford
Gilmanton (excluding areas served by Union)
Hebron
Laconia
Meredith
Milton
New Durham
New Hampton
Northfield
Northwood
Pittsfield
Rochester
Sanbornton
Strafford (excluding areas served by Union)
Tilton
Wolfeboro

MetroCast Communities Served by Union as ILEC

Alton (excluding areas served by FairPoint/Verizon)
Barnstead
Center Barnstead
Farmington (excluding areas served by FairPoint/Verizon)
Gilmanton (excluding areas served by FairPoint/Verizon)
New Durham
Strafford (excluding areas served by FairPoint/Verizon)

Attachment 2

Waiver Under Rules 432.01(a)(4) & (5) Original MetroCast Request

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
William J. Morrison
Jeffrey C. Below

EXECUTIVE DIRECTOR
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Debra A. Howland

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FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

May 17, 2007

Mr. Robert J. Munnely, Jr.
Murtha Cullina LLP
99 High Street
Boston, MA 02110-2320

RE: MetroCast Cablevision of New Hampshire
Request for Waiver of Administrative Rules Puc 432.01(4) & (5)

Dear Mr. Munnely:

On April 9, 2007, MetroCast Cablevision of New Hampshire, LLC (MetroCast) filed a request for registration as a New Hampshire competitive local exchange carrier (CLEC). With the application, MetroCast filed a request for a waiver of Puc 432.01(4), which requires a CLEC to furnish customers with the opportunity to presubscribe to interLATA toll carriers, and Puc 432.01(5), which requires a CLEC to furnish customers with the opportunity to presubscribe to intraLATA toll carriers.

MetroCast proposes to limit its offering to a bundled service that includes local, interLATA and intraLATA service. The Commission's Telecom Division has reviewed the request and recommends approving the waiver as described in the company filing.

Pursuant to Puc 201.05(a), the Commission has determined that granting the requested waiver is in the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission. Accordingly, the Commission will waive Puc 432.01(4) and Puc 432.01(5) relieving MetroCast of the obligation to offer presubscription to interLATA and intraLATA toll carriers.

Very truly yours,

A handwritten signature in cursive script that reads "Debra A. Howland".

Debra A. Howland
Executive Director and Secretary

Exhibit B

METROCAST CABLEVISION OF NEW HAMPSHIRE, LLC
Request for Waiver of PUC Rules 432.01(a)(4) and 432.01(a)(5)

As discussed with Staff and the Commission during Docket DT 06-169, Joint Petition of IDT America, Corp. and MetroCast Cablevision of New Hampshire, LLC for Expedited Relief in the Granting of Numbering Resources, MetroCast Cablevision of New Hampshire, LLC ("MetroCast") hereby requests a limited waiver pursuant to PUC Rule 201.05 ("Waiver Rules") of its obligations under PUC Rule 432.01 to furnish to customers with two aspects of "Basic Service," namely, "(4) the opportunity to presubscribe to interLATA toll carriers"; and "(5) the opportunity to presubscribe to intraLATA toll carriers."

As grounds for the waiver request, MetroCast states as follows:

1. The MetroCast telephone service that will be provided pursuant to the Application submitted herewith will be a bundled service that includes all of a customer's local, intraLATA toll and interLATA toll needs for a single price. It is unlikely that any customer will choose to forego the intraLATA and interLATA toll services bundled into the MetroCast price and, instead, presubscribe to duplicative intraLATA or interLATA toll services at substantial additional cost to the customer.

2. Furthermore, the MetroCast/IDT facilities that will be used to deliver services to MetroCast customers are not currently programmed to permit customers the option of presubscribing to another inter- or intraLATA toll provider. Such capabilities, while technically feasible given a substantial investment in time and resources,

should not be added at this time in light of the lack of customer benefits that would justify the associated costs.

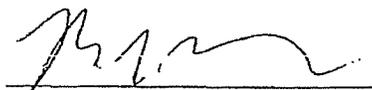
3. Waiver of these two limited rules is supported by the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission, as required by PUC Rule 201.05(a).

4. Waiver is appropriate and necessary given that compliance would be excessively onerous and/or inapplicable with respect to MetroCast's proposed bundled service offering. Furthermore, the underlying purpose of the Commission's Rule 432.01 is satisfied as customers are free to utilize incumbent or competitive service offerings with presubscription if they want to take advantage of a particular intraLATA or interLATA provider.

Accordingly, for the reasons described above, MetroCast requests that the Commission grant it a waiver of PUC Rules 432.01(4) and 432.01(5). Please contact the undersigned counsel if there are any questions about this waiver request.

MetroCast Cablevision of New Hampshire, LLC

By its attorneys



Robert J. Munnelly, Jr.
Murtha Cullina LLP
99 High Street, 20th Floor
Boston, MA 02110
617-457-4000
rmunnelly@murthalaw.com

DATE: April 6, 2007

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 06-169
1
Jordan, Barstow,
Bailey, O'Harris

DT 06-169
Joint Petition of IDT America, Corp.
and MetroCast Cablevision of New Hampshire, LLC
for Expedited Relief
in the Granting of Numbering Resources

SETTLEMENT AGREEMENT

On this 19th day of January, 2007, IDT America, Corp. ("IDT") and MetroCast Cablevision of New Hampshire, LLC ("MetroCast"), joint petitioners in the above captioned docket, and the Staff ("Staff") of the New Hampshire Public Utilities Commission ("Commission"), stipulate and agree as follows:

1. This Settlement Agreement ("the Agreement") concerns the conditions under which IDT will be able to obtain numbering resources for the purpose of being able to provide service to MetroCast end-user customers located in areas in New Hampshire. As IDT and MetroCast indicated in the Joint Petition submitted on December 14, 2006, IDT plans to provide MetroCast with connectivity to the Public Switched Telephone Network ("PSTN"), local number port-in and port-out, enhanced 911 interconnection, operator/directory assistance, directory listings, and the necessary numbering resources to serve MetroCast end-user customers located in MetroCast's service area in New Hampshire. IDT will provide an end-to-end solution by integrating the IP platform to deliver a fully automated digital phone and high-speed data provisioning solution including PSTN service activation and interconnection. MetroCast's two-way cable plant will be used for an IP-based cable telephony solution.

2. For purposes of this Agreement, MetroCast agrees that it will register for competitive local exchange carrier ("CLEC") status in New Hampshire pursuant to Puc 431.01, will file a telephony rate schedule with the Commission, and will comply with the numbering resource commitments contained herein. In the event the Commission, the Federal Communications Commission ("FCC") or a court of competent jurisdiction determines the service described herein is not subject to state commission jurisdiction, IDT and MetroCast will continue to honor the terms of this Agreement with respect to any numbers obtained pursuant to the Agreement. In the event of such a Commission, FCC or court determination, IDT and MetroCast would obtain any future numbering resources in accordance with such determination. Staff agrees that it will expeditiously review and issue a CLEC authorization number to MetroCast provided that it meets all Commission requirements contained in Puc 431.01 and Puc 431.02.

3. IDT agrees that any telephone numbers assigned to it for the exchanges in which MetroCast has customers will be used only for the IP-based cable telephony end-users of MetroCast, and will only be geographically assigned to New Hampshire end-users, based on the

ADF
JTB

rate center of the end-user's physical location. IDT further agrees that it will not assign numbers obtained under this Agreement to any Net2Phone customers.

4. In the event IDT seeks numbering resources in New Hampshire to implement a partnership other than with MetroCast, it will do so only upon Commission approval. In the event MetroCast seeks to request numbering resources independently of IDT, it will do so only upon Commission or Staff approval.

5. IDT also agrees to follow all published requirements for the conservation of numbers, including the reclamation of unused numbers, consistent with the requirements imposed on IDT when its CLEC authority was granted in Order No. 24,124. For purposes of this Agreement and only for numbers obtained under this Agreement, IDT will file with Staff copies of all number utilization forms submitted to Neustar, or its successor, in a timely manner as determined by Staff. Upon written request, IDT will provide Staff, subject to federal and state privacy requirements, end-user names and addresses for all telephone numbers assigned pursuant to this Agreement ("Protected Information"), subject to the following: This Protected Information shall be provided to designated Staff under seal in an envelope marked "Confidential" and shall be treated by Staff and the Commission as confidential and proprietary information, and reviewed only for the sole purpose of demonstrating compliance with this Agreement. Further, Staff and the Commission shall take all necessary steps under applicable law to ensure that the Protected Information is not disclosed to persons or entities other than designated Staff and the Commission, IDT and MetroCast. IDT also recognizes that its use of numbering resources is subject to audit by the Staff or the number pooling administrator.

6. Staff agrees that it will expeditiously approve IDT's request for numbering resources for the purpose outlined above. IDT agrees that it will follow all published requirements for the obtaining of numbering resources and abide by the commitments contained in this Agreement.

7. IDT and MetroCast agree that any violation of the commitments contained in this Agreement would constitute "good cause" under Puc 431.19 which would subject the party committing the violation to the provisions and consequences contained therein.

8. IDT, MetroCast and Staff agree to jointly recommend that the Commission expeditiously approve this Agreement.

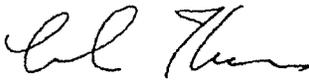
9. This Agreement is expressly conditioned upon the Commission's acceptance of all its provisions without change or condition. If the Commission does not accept this Agreement in its entirety, without change or condition, and IDT or MetroCast and Staff, or any of them, are unable to agree with all of said changes or conditions within ten (10) days of the Commission's decision, this Agreement shall be deemed to be withdrawn and shall not constitute any part of the record in this proceeding and shall not be used for any other purpose. The making of this Agreement shall not be deemed in any respect to constitute an admission by any party that any allegation or contention in these proceedings is true or valid. The Commission's acceptance of this Agreement does not constitute continuing approval of, or precedent regarding, any particular principle or issue in this proceeding, but such acceptance does constitute a determination that (as the parties believe) the provisions set forth herein in their totality are just and reasonable.

ADP
9/20/05

In witness whereof, the Staff, IDT and MetroCast, signing below have caused this Agreement to be executed as of the date referenced above.

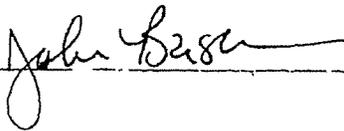
IDT America, Corp.

Dated: January 19, 2007

By: 

MetroCast Cablevision of New Hampshire, LLC

Dated: January 19, 2007

By: 

Staff of the New Hampshire Public Utilities Commission

Dated: January 19, 2007

By: 

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

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Debra A. Howland

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

*data enter
file*

September 30, 2008

Robert J. Munnely, Jr.
Attorney for MetroCast Cablevision of New Hampshire, LLC
99 High Street
Boston, MA 02110-2320

RE: MetroCast Cablevision of New Hampshire, LLC [MetroCast] Application for
Certification Amendment

Dear Mr. Munnely:

Congratulations to MetroCast. Due to the revision of RSA 374:22-g, effective September 5, 2008, the application to amend MetroCast's current registration to include service in the territory served by Union Telephone company, has been approved as the accompanying certificate attests. Your registration number is C01-005-07. Please replace any current New Hampshire certificates with the enclosed amended certification.

As MetroCast conducts business in New Hampshire, the Commission expects the company to continue to provide the highest level of customer service. The Commission also looks forward to continued annual updates of the company's progress in the form of Annual Reports for each calendar year, which are due March 31st each year and are available from our web site at www.puc.nh.gov. The Commission also expects to hear from MetroCast about address changes, restructuring, acquisitions, or other major events as outlined in Commission rules. Please refer to CLEC No. C01-005-07 in any future correspondence.

Welcome to the New Hampshire telecommunications marketplace and never hesitate to contact us should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Josie Gage".

Josie Gage, MBA
Utility Analyst III

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

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AUTHORIZATION TO PROVIDE LOCAL EXCHANGE SERVICE

MetroCast Cablevision of New Hampshire, LLC

is authorized to provide local exchange service in the State of New Hampshire in both FairPoint Communications - NNE and Union Telephone Company ILEC exchanges.

A handwritten signature in cursive script, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

Date: September 30, 2008

Authorization No. C01-005-07

This authorization is non-transferable
Pursuant to Puc 451.01(g)



NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
 21 S. FRUIT ST., STE 10 CONCORD, NH 03301-2429
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NHPUC Form-CLEC-10
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CLEC APPLICATION FOR REGISTRATION

Application for Registration 23, 2009

1. General Information

Federal Identification Number 22-3312697

Date of Application 2/19/09

Legal Name IDT America, Corp.

Trade Name (d/b/a)
 in New Hampshire _____

Contact Person Carl Billek

Complete Mailing Address 520 Broad Street
Newark, NJ 07102

Phone Number 973-438-4854

Fax Number 973-438-1455

E-mail Address Carl.Billek@corp.idt.net

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.



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NEHPC Form CLEC-11
 Application for Registration
 Page 2 of 2
 Puc 449.07
 Rev. 12/06/04

3. Service

List the three primary telecommunications services the company will provide:

a. Local exchange telephone service

b. _____

c. _____

Identify the applicant's proposed service area:

Please see Attachment A

4. Required Attachments

- a. A copy of the New Hampshire Secretary of State Certificate of Authority Please see Attachment B
- b. Proof of Surety Bond, if applicable Please see Attachment E
- c. Form CLEC-1, Contact Information I did see Attachment F
- d. A copy of the CLEC's complete rate schedule PI to see Attachment G.
- e. A copy of Form CLEC -11, Adoption of Uniform Tariff, if applicable W/4

5. Compliance Statements

I attest that the applicant will comply with all applicable New Hampshire laws and all Commission policies, rules and orders. CB (initial)[Puc 430.021]

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. CB (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. CB (initial)

6. Signature

I, Carol B. Clark, (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.

Carol B. Clark Signed Wendy Moreano Title Notary

Subscribed and sworn before me this 23rd (day) of February (month) in the year 2009

County of Hess

State of New Jersey

Wendy Moreano

Notary Public in and for the State of New Jersey
 My Commission expires

WENDY MOREANO
 A Notary Public of New Jersey
 My Commission Expires 02/1/13

ATTACHMENT A

Response to Application Question Number 3

IDT America, Corp. ("IDT") is authorized by the New Hampshire Public Utilities Commission to provide intraLATA toll service throughout the New Hampshire pursuant to Order No. 23,473 in DT 00-023 and local telecommunications services in the incumbent Fairpoint (formerly Verizon) territory pursuant to Order No. 24,124 in DT 02-229. Copies of both Orders are located at **Attachment B**.

IDT subsequently entered into a Settlement Agreement with the PUC and MetroCast Cablevision of New Hampshire ("MetroCast"), LLC in DT 06-169. The purpose of the Settlement Agreement was to set certain guidelines under which IDT would obtain numbering resources for the purpose of being able to provide service to MetroCast end-user customers. A copy of the Settlement Agreement is located at **Attachment C**.

On September 30, 2008, the New Hampshire Public Utilities Commission issued Authorization No. C01-005-07, thereby granting MetroCast authorization by to provide local telecommunications services in the following incumbent ILEC territories of UnionTel:

- Alton (excluding areas served by FairPoint)
- Barnstead
- Center Barnstead
- Farmington (excluding areas served by FairPoint)
- Gilmanton (excluding areas served by FairPoint)
- New Durham
- Strafford (excluding areas served by FairPoint)

With this Application, IDT seeks to extend its authorization to provide local telecommunications service to those same communities served by MetroCast in the ILEC territory of UnionTel, namely:

- Alton (excluding areas served by FairPoint)
- Barnstead
- Center Barnstead
- Farmington (excluding areas served by FairPoint)
- Gilmanton (excluding areas served by FairPoint)
- New Durham
- Strafford (excluding areas served by FairPoint)

Upon approval of this Application, IDT intends to effectively extend its commercial relationship with MetroCast – currently only in effect in certain communities served by FairPoint – into the aforementioned UnionTel ILEC territories. Accordingly, IDT agrees to extend and abide by the terms of its Settlement Agreement into the above-listed UnionTel ILEC territories. IDT believes that in doing so, it will provide a competitive alternative to UnionTel, thereby benefiting consumers.

Accordingly, IDT does not request any limits on its ability to offer local telecommunications service.

ATTACHMENT B

**IDT America, Corp., Petition for Authority to Provide Local Telecommunications Services, Order Nisi Granting Authorization, Order No. 24,124; DT 02-229
(February 3, 2003)**

IDT Corporation and IDT America, Corp., Corporate Restructuring, Order Approving Pro Forma Assignment of Certificate of Authority, Order No. 23,473, DT 00-023 (May 9, 2000)

DT 02-229

IDT America, Corporation

Petition for Authority to Provide
Local Telecommunications Services

Order Nisi Granting Authorization

O R D E R N O. 24,124

February 7, 2003

On December 18, 2002, IDT America Corporation (IDT) filed with the New Hampshire Public Utilities Commission (Commission) a petition for authority to provide switched and non-switched local exchange telecommunications services, pursuant to the policy goals set by the New Hampshire Legislature in RSA 374:22-g. A petition for such authority in New Hampshire is a request for certification as a Competitive Local Exchange Carrier (CLEC), governed by New Hampshire Administrative Rules Chapter Puc 1300.

IDT is certified to provide intraLATA toll service in the State of New Hampshire. That authority was granted in Docket No. DE 94-308 by Order No. 21,662 dated May 22, 1995. The Commission's Consumer Affairs division reports there have been no complaints registered against IDT.

IDT, a New Jersey corporation, is a wholly-owned subsidiary of IDT Domestic Telecom, Inc. which in turn is a wholly-owned subsidiary of IDT Telecom. IDT Telecom is a wholly-owned subsidiary of IDT Corporation. IDT is authorized to

provide local exchange service as in New Jersey, New York, Pennsylvania, Massachusetts, Florida and the District of Columbia. The applicant has not yet commenced offering local exchange service in any of those jurisdictions, according to the application.

Pursuant to Puc Chapter 1300, an applicant's petition for certification as a CLEC shall be granted when the Commission finds that (1) all information listed in Puc 1304.02 has been provided to the Commission; (2) the applicant meets standards for financial resources, managerial qualifications, and technical competence; and, (3) certification for the particular geographic area requested is in the public good.

The Commission Staff (Staff) has reviewed IDT's petition for compliance with these standards. Staff reports that the Company has provided all the information required by Puc 1304.02 and that the information provided supports IDT's assertion of financial resources, managerial qualifications, and technical competence sufficient to meet the standards set out in Puc 1304.01(b), (e), (f), and (g). Staff further reports that adding IDT to the choices available to New Hampshire telecommunications consumers appears to be in the public interest.

IDT requests a waiver of the surety bond requirement in Puc 1304.02 (b). In support, IDT submitted a sworn statement that

it does not require deposits from customers. Staff recommends granting the waiver.

IDT also requests a waiver of Puc 1304.02(a)(6) which requires the filing of a U.S.G.S.-based map of the areas in which service will be offered. IDT avers that it will offer service only in those territories served by Verizon New Hampshire. Maps of that territory are already on file with the Commission. Staff recommends granting the waiver.

We find that IDT has satisfied the requirements of Puc 1304.01(a)(1) and (2) and, further, that authorization is in the public good, thus meeting the requirement of Puc 1304.01(a)(3). In making this finding, as directed by RSA 374:22-g we have considered the interests of competition, fairness, economic efficiency, universal service, carrier of last resort, the incumbent's opportunity to realize a reasonable return on its investment, and recovery by the incumbent of expenses incurred. This finding is further supported by the Telecommunications Act of 1996 (TAct). Because IDT has satisfied the requirements of Puc 1304.01(a), we will grant the petition.

Given that IDT will not charge any customer deposits, we find reasonable IDT's request for a waiver of the requirement it post a surety bond to cover refund of deposits. We also find reasonable IDT's request for a waiver of the requirement that it

file maps delineating the territory in which it intends to provide service. We will grant both requests.

As part of its petition, IDT states that it will charge access rates no higher than Verizon New Hampshire's effective access rates as filed in Tariff 85. The Commission will monitor access rates as the intraLATA toll and local exchange markets develop, in order to avoid any inhibition of intraLATA toll competition in contravention of the Telecommunications Act of 1996.

Pursuant to Puc 1304.02(a) (7), applicants for CLEC certification agree to adhere to all state laws and Commission policies, rules and orders. We take this opportunity to draw attention to two rules in particular. Puc 1306.01(8) and Puc 1306.01(10), respectively, describe Enhanced 911 (E911) and Telecommunications Relay Service (TRS) as part of the minimum basic service that every CLEC must provide. Pursuant to Puc 1306.01(c), authorized CLECs are responsible to collect and properly remit the E911 surcharge, currently set at 42 cents per access line. Pursuant to Puc 1306.01(b), authorized CLECs are also responsible to collect and remit TRS charges, currently set at 4 cents per access line per month.

As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters constantly increasing demand. Accordingly, we will require that

IDT request and use numbers responsibly and conservatively, and invite IDT to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this application, we require IDT to comply with our orders on number conservation, including Order No. 23,385, issued January 7, 2000, and Order No. 23,392, issued January 27, 2000, as well as further orders issued by the Commission concerning this matter.

Based upon the foregoing, it is hereby

ORDERED NLSL, that subject to the effective date below, IDT's petition for authority to provide switched and non-switched intrastate local exchange telecommunications services in the service territory of Verizon New Hampshire, is GRANTED, subject to all relevant Commission rules and orders; and it is

FURTHER ORDERED, that IDT's request for a waiver of the map filing requirement in Puc 1304.02(a)(6) is GRANTED: and it is

FURTHER ORDERED, that IDT's request for waiver of the surety bond requirement per Puc 1304.02(b) is hereby GRANTED subject to IDT's agreement not to collect any deposit, prepayment or advance payment prior to the provision of service; and it is

FURTHER ORDERED, that no less than ten days prior to commencing service, the Petitioner shall file with the Commission a rate schedule including the name description and price of each

service, in accordance with N.H. Admin. Rules, Puc 1304.03 (b); and it is

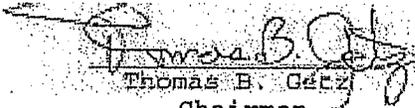
FURTHER ORDERED, that IDT shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation, such publication to be no later than February 17, 2003 and to be documented by affidavit filed with this office on or before March 3, 2003; and it is

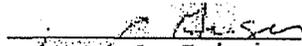
FURTHER ORDERED, that all persons interested in responding to this Order Nisi shall submit their comments or file a written request for a hearing on this matter before the Commission no later than February 24, 2003; and it is

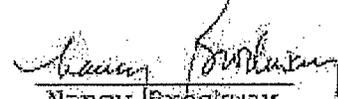
FURTHER ORDERED, that this Order Nisi shall be effective March 7, 2003, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that, should the petitioner fail to exercise the authority granted herein within two years of the date of this order, the authority granted shall be deemed withdrawn, null, and void.

By order of the Public Utilities Commission of New
Hampshire this seventh day of February, 2003.


Thomas B. Geitz
Chairman


Susan S. Geiger
Commissioner


Nancy Brockway
Commissioner

Attested by:


Debra A. Howland
Executive Director and Secretary

STATE OF NEW HAMPSHIRE



CHAIRMAN
Douglas L. Patch

COMMISSIONERS
Susan S. Geiger
Nancy Brockway

**EXECUTIVE DIRECTOR
AND SECRETARY**
Thomas B. Getz

PUBLIC UTILITIES COMMISSION
8 Old Suncook Road
Concord, N.H. 03301-7319

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-3431

FAX No. 271-3878

Website:
www.puc.state.nh.us

AUTHORIZATION TO PROVIDE INTRALATA TOLL SERVICE

In accordance with Order No. 22,473,

IDT America, Corp.

is authorized to provide competitive intralATA toll service in the State of New Hampshire.

Thomas B. Getz
Executive Director

Date: May 3, 2000

Authorization No. IXC 05-001-00

This authorization is non-transferable. In the event of merger or acquisition, the successor corporation must request and receive authorization pursuant to Order No. 22,473, before commencing service. An application for authorization may be obtained electronically from the PUC Internet Home Page at <http://www.state.nh.us/puc/puc.html> or by written request.

DT 00-023

IDT CORPORATION AND IDT AMERICA, CORPORATION

Corporate Restructuring

Order Approving Pro Forma Assignment of Certificate of Authority

~~ORDER~~ N O. 23,473

May 9, 2000

On July 20, 1998, IDT Corporation (IDT) and IDT America Corporation, (IDT America) (the Parties) jointly filed a "Letter of Notification- (LON) informing the New Hampshire Public Utilities Commission (Commission) of the *pro forma* assignment of IDT's Certificate of Authority to its wholly-owned subsidiary, IDT America. In response to a Staff data request, the Parties on January 21, 2000 filed additional information necessary to complete the *pro forma* assignment.

IDT, a Delaware corporation, is a registered competitive intraLATA toll provider in New Hampshire pursuant to Authorization No. IXC20897 issued by the Commission.

IDT America, a New Jersey corporation, is a wholly-owned subsidiary of IDT. IDT America received its authority to provide IntraLATA Toll services in New Hampshire on May 3, 2000 by Authorization No. 0500100.

The proposed incorporation is *pro forma* in essence as IDT and IDT America are affiliated through their parent-subsidiary relationship. IDT asserts that operational efficiency of IDT would be improved by a corporate reorganization with the

assignment of its Certificate of Authority to IDT America. IDT America avers that the transaction will be transparent to IDT consumers and will have no impact on the services, rates or terms and conditions the company offers. Nor will the company's ongoing operations be affected. IDT America has filed with the Commission a revised tariff that indicates IDT America's adoption of IDT's tariff.

We find that the assignment of IDT's license to IDT America is in the public good, a finding necessitated by RSA 374:30 to approve the transfer of a public utility's franchise, works, or system. This transaction is similar to, but slightly different from other acquisitions. As in *Re Maxxis Communications, Inc.*, DT 99-110, Order No., 23,323 (October 25, 1999), the system to be transferred consists of customer base and billing systems, *inter alia*. Unlike the transaction in *Re Maxxis*, however, the transfer is to a wholly-owned subsidiary of the parent rather than to another long distance carrier. Because the entity providing service will remain the same except for the name, there is no issue of slamming here. We note that the same reasoning may not apply to an affiliate. RSA 374:28-a prohibits slamming, *i.e.*, changes of a customer's service provider without the customer's knowledge or consent. As we stated in *Re Maxxis*, we approve the transfer of a customer base only to the extent that the acquisition of each customer's long distance service is

conditioned on notice to the customer of his/her opportunity to choose another long distance carrier, without additional charge, for a period of at least 14 days after the date of the notice.

In the instant situation, while we direct IDT America to provide notice to each customer of the acquisition of IDT by its wholly-owned subsidiary, we will not require that IDT America provide all customers with an opportunity to change carriers without additional charge. We consider that the administrative benefits of obtaining a certificate of authority to do business within New Hampshire, as now permitted by RSA 374:25, IV, were not intended to come with additional costs.

Based upon the foregoing, it is hereby

ORDERED, that the pro *forma* assignment of IDT Corporation Certificate of Authority to provide telecommunication services in New Hampshire to IDT America is hereby APPROVED with the condition that customers' notification proceed as directed above.

DT 00-023

-4-

By order of the Public Utilities Commission of New
Hampshire this ninth day of May, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary

ATTACHMENT C

**Joint Petition of IDT America, Corp. and MetroCast Cablevision of New
Hampshire, LLC for Expedited Relief in the Granting of Numbering Resources,
Settlement Agreement, DT 06-169 (January 19, 2007)**

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 06-169
Jordan, Barstow,
Bailey, J. Harris

DT 06-169
Joint Petition of IDT America, Corp.
and MetroCast Cablevision of New Hampshire, LLC
for Expedited Relief
in the Granting of Numbering Resources

SETTLEMENT AGREEMENT

On this 19th day of January, 2007, IDT America, Corp. ("IDT") and MetroCast Cablevision of New Hampshire, LLC ("MetroCast"), joint petitioners in the above captioned docket, and the Staff ("Staff") of the New Hampshire Public Utilities Commission ("Commission"), stipulate and agree as follows:

1. This Settlement Agreement ("the Agreement") concerns the conditions under which IDT will be able to obtain numbering resources for the purpose of being able to provide service to MetroCast end-user customers located in areas in New Hampshire. As IDT and MetroCast indicated in the Joint Petition submitted on December 14, 2006, IDT plans to provide MetroCast with connectivity to the Public Switched Telephone Network ("PSTN"), local number port-in and port-out, enhanced 911 interconnection, operator/directory assistance, directory listings, and the necessary numbering resources to serve MetroCast end-user customers located in MetroCast's service area in New Hampshire. IDT will provide an end-to-end solution by integrating the IP platform to deliver a fully automated digital phone and high-speed data provisioning solution including PSTN service activation and interconnection. MetroCast's two-way cable plant will be used for an IP-based cable telephony solution.

2. For purposes of this Agreement, MetroCast agrees that it will register for competitive local exchange carrier ("CLEC") status in New Hampshire pursuant to Puc 431.01, will file a telephony rate schedule with the Commission, and will comply with the numbering resource commitments contained herein. In the event the Commission, the Federal Communications Commission ("FCC") or a court of competent jurisdiction determines that the service described herein is not subject to state commission jurisdiction, IDT and MetroCast will continue to honor the terms of this Agreement with respect to any numbers obtained pursuant to the Agreement. In the event of such a commission, FCC or court determination, IDT and MetroCast would obtain any future numbering resources in accordance with such determination. Staff agrees that it will expeditiously review and issue a CLEC authorization number to MetroCast provided that it meets all Commission requirements contained in Puc 431.01 and Puc 431.02.

3. IDT agrees that any telephone numbers assigned to it for the exchanges in which MetroCast has customers will be used only for the IP-based cable telephony end-users of MetroCast, and will only be geographically assigned to New Hampshire end-users, based on the

IDT
1/19/07

rate center of the end-user's physical location. ~~IDT further agrees that it will not assign numbers obtained under this Agreement to any New Hampshire customers.~~

4. In the event IDT seeks numbering resources in New Hampshire to implement a partnership other than with MetroCast, it will do so only upon Commission approval. In the event MetroCast seeks to request numbering resources independently of IDT, it will do so only upon Commission or Staff approval.

5. IDT also agrees to follow all published requirements for the conservation of numbers, including the reclamation of unused numbers, consistent with the requirements imposed on IDT when its CLEC authority was granted in Order No. 24,124. For purposes of this Agreement and only for numbers obtained under this Agreement, IDT will file with Staff copies of all number utilization forms submitted to Neustar, or its successor, in a timely manner as determined by Staff. Upon written request, IDT will provide Staff, subject to federal and state privacy requirements, end-user names and addresses for all telephone numbers assigned pursuant to this Agreement ("Protected Information"), subject to the following: This Protected Information shall be provided to designated Staff under seal in an envelope marked "Confidential" and shall be treated by Staff and the Commission as confidential and proprietary information, and reviewed only for the sole purpose of demonstrating compliance with this Agreement. Further, Staff and the Commission shall take all necessary steps under applicable law to ensure that the Protected Information is not disclosed to persons or entities other than designated Staff and the Commission, IDT and MetroCast. IDT also recognizes that its use of numbering resources is subject to audit by the Staff or the number pooling administrator.

6. Staff agrees that it will expeditiously approve IDT's request for numbering resources for the purpose outlined above. IDT agrees that it will follow all published requirements for the obtaining of numbering resources and abide by the commitments contained in this Agreement.

7. IDT and MetroCast agree that any violation of the commitments contained in this Agreement would constitute "good cause" under Puc 431.19 which would subject the party committing the violation to the provisions and consequences contained therein.

8. IDT, MetroCast and Staff agree to jointly recommend that the Commission expeditiously approve this Agreement.

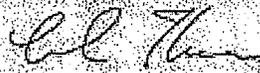
9. This Agreement is expressly conditioned upon the Commission's acceptance of all its provisions without change or condition. If the Commission does not accept this Agreement in its entirety, without change or condition, and IDT or MetroCast and Staff, or any of them, are unable to agree with all of said changes or conditions within ten (10) days of the Commission's decision, this Agreement shall be deemed to be withdrawn and shall not constitute any part of the record in this proceeding and shall not be used for any other purpose. The making of this Agreement shall not be deemed in any respect to constitute an admission by any party that any allegation or contention in these proceedings is true or valid. The Commission's acceptance of this Agreement does not constitute continuing approval of, or precedent regarding, any particular principle or issue in this proceeding, but such acceptance does constitute a determination that (as the parties believe) the provisions set forth herein in their totality are just and reasonable.

7/14/08
10/1/08

In witness whereof, the Staff, IDT and MetroCast, signing below have caused this Agreement to be executed as of the date referenced above.

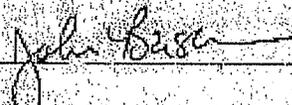
IDT America, Corp.

Dated: January 19, 2007

By: 

MetroCast Cablevision of New Hampshire, LLC

Dated: January 19, 2007

By: 

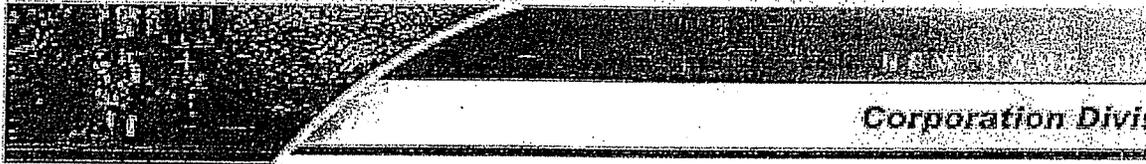
Staff of the New Hampshire Public Utilities Commission

Dated: January 19, 2007

By: 

ATTACHMENT D

Copy of New Hampshire Secretary of State Certificate of Authority



[Search](#)
[By Business Name](#)
[By Business ID](#)
[By Registered Agent](#)
[Annual Report](#)
[File Online](#)

Date: 2/9/2009

[Filed Documents](#)
 (Annual Report History, View Images, etc.)

For a blank Annual Registration Report, click here.

Business Name History

Name	Name Type
IDT AMERICA, CORP.	Legal

Corporation - Foreign - Information

Business ID:	228126
Status:	Good Standing
Entity Creation Date:	12/8/1999
State of Business:	NJ
Principal Office Address:	520 BROAD ST NEWARK NJ 07102
Principal Mailing Address:	IDT/JOYCE MASON 60 E. 42ND STREET, SUITE 1812 NEW YORK NY 10165
Last Annual Report Filed Date:	1/23/2008
Last Annual Report Filed:	2008

Registered Agent

Agent Name:	Lawyers Incorporating Service
Office Address:	14 CENTRE STREET CONCORD NH 03301
Mailing Address:	

File Annual Report Online.

ATTACHMENT E

Proof of Surety Bond



P. O. Box 3967
 Peoria, IL 61612-3967
 Phone: 309-692-1000 Fax: 309-692-8637

CONTINUATION CERTIFICATE

RLI Insurance Company/RLI Indemnity Company hereby continues in force Bond No. CMS0223846 briefly described as Telecommunication bound unto the State Of New Hampshire Public Utilities Commission on behalf of IDT America Corp.

Location Name & Address:	Bill To Name & Address: (If different)
<u>IDT America Corp.</u>	
<u>520 Broad Street</u>	
<u>Newark, NJ 07102</u>	

in the sum of \$ 10,000.00 Dollars, for the term beginning July 19, 2008 and ending July 19, 2009 subject to all the covenants and conditions of the original bond referred to above.

This Continuation Certificate is executed upon the express condition that the Undersigned company's liability under said bond and under this and all Continuation Certificates issued in connection therewith shall not be cumulative and shall not in any event exceed the amount of said bond as hereinbefore set forth.

Dated this 21st day of April, 2008



RLI Insurance Company/RLI Indemnity Company

By [Signature]
 Roy C. Dic, Vice President

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE OBLIGEE.

ATTACHMENT F

Contact Information



NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
21 S. FRUIT ST., STE 10 CONCORD, NH 03301-2429
603-271-2431
www.puc.nh.gov

CLEC
NHPUC Form-CTP-T
Contact Information
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Puc 469.02
Rev. 03/30/06

CONTACT INFORMATION

A telecommunications carrier must complete this form: 1) When requesting authorization to provide telecommunications service in New Hampshire by the Public Utilities Commission, 2) Annually, on or before March 31 of each year, or 3) When there have been changes to the information previously reported.

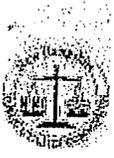
Check here if you would prefer electronic notices rather than notice by US Mail Date 2/19/09

1. General Information

Federal Identification Number 22-3312697
CTP Authorization Number 24,124
Legal Name IDT America, Corp.
Trade Name d/b/a
in New Hampshire _____
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-1000
Fax Number 973-438-1455
E-mail Address Carl.Billek@corp.idt.net
Website http://www.idt.net

2. Person Responsible for Preparing the CTP Annual Report

Name Carl Billek
Title Senior Regulatory Counsel
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-4854
Fax Number 973-438-1455
E-Mail Address Carl.Billek@corp.idt.net



NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
21 S. FRUIT ST., STE 10 CONCORD, NH 03301-2429
603-271-2431
www.puc.nh.gov

CLEC
NHPUC Form ~~CH-1~~
Contact Information
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Rev. 03/30/06

3. Person Responsible for Paying Assessment Bills

Name Carl Billek
Title Senior Regulatory Counsel
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-4854
Fax Number 973-438-1455
E-Mail Address Carl.Billek@corp.idt.net

4. Regulatory Contact

Name Carl Billek
Title Senior Regulatory Counsel
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-4854
Fax Number 973-438-1455
E-Mail Address Carl.Billek@corp.idt.net

5. Person that Commission's Consumer Affairs Department Should Call Regarding Customer Complaints

Name Anthony Acevedo
Title _____
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-4827
Fax Number 973-438-1455
E-Mail Address Anthony.Acevedo@corp.idt.net



NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
21 S. FRUIT ST., STE 10 CONCORD, NH 03301-2429
603-271-2431
www.puc.nh.gov

^{CAC}
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Contact Information
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6. Director of Customer Service

Name Anthony Acevedo
Title _____
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-4827
Fax Number 973-438-1455
E-Mail Address Anthony.Acevedo@corp.idt.net

7. Company Officer Responsible for Customer Service

Name Carl Billek
Title Senior Regulatory Counsel
Complete Mailing Address 520 Broad Street
Newark, NJ 07102
Phone Number 973-438-4854
Fax Number 973-438-1455
E-Mail Address Carl.Billek@corp.idt.net

8. End User Customer Service

Toll free 800 Number 1-800-889-9126
Fax Number - -
E-Mail Address _____
Hours of Operation 24/7

9. End User Repair Service

Toll free 800 Number 1-800-889-9126
Fax Number - -
E-Mail Address _____
Hours of Operation 24/7



NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
21 S. FRUIT ST., STE 10 CONCORD, NH 03301-2429
603-271-2431
www.puc.nh.gov

NHPUC Form 100-1
Contact Information
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Rev. 03130106

10. Names and Titles of Principal Officers

Name	Title
<u>Howard Jonas</u>	<u>Chairman</u>
<u>James Courter</u>	<u>President</u>
<u>Joyce Mason</u>	<u>Secretary</u>
<u>Marcelo Fisher</u>	<u>CFO</u>
<u>Doug Mauro</u>	<u>Vice President</u>

11. Contact Escalation List

Please attach contact escalation list, including, name, phone number and e-mail address for first level contact, director and company officer responsible for network, interconnection and provisioning.

12. Signature

I certify that the information on this form is true and correct to the best of my knowledge and belief subject to the penalty for making unsworn false statements under RSA 641:3.

Authorized Representative
Signature [Signature] Title Senior Regulatory Counsel

Printed Name Carl Billek Date 2/19/09

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.

Contact Escalation Addendum to NHPUC Form CLEC-1

The following individuals should be contacted regarding any questions pertaining to the network, interconnection and/or provisioning:

First Level Contact

Carl Billek
(973) 438-4854
Carl.Billek@corp.idt.net

Director

Thomas Jordan
(973) 438-3010
TJordan@net2phone.com

Officer

James Courter
(973) 438-4300
Jim.Courter@corp.idt.net

**Exhibit 2: Confidential
Attachment F**



ROBERT J. MUNNELLY, JR.
617.457.4062 DIRECT TELEPHONE
617.210.7062 DIRECT FACSIMILE
RMUNNELLY@MURTHALAW.COM

December 1, 2010

BY E-MAIL AND OVERNIGHT MAIL

Paul J. Phillips, Esq.
Primmer Piper Eggleston & Cramer PC
421 Summer Street, P.O. Box 159
St. Johnsbury, VT 05819-0159

Re: MetroCast/IDT – Union/TDS Settlement

Dear Paul:

Enclosed please find a revised Affidavit of Joshua Barstow, as requested by Tom Murray of TDS. Please make arrangements to finalize the settlement on or before Monday, December 6, 2010.

Very truly yours,

A handwritten signature in black ink, appearing to read "RJM", written over a horizontal line.

Robert J. Munnely, Jr.

Enc.

cc: Tom Murray, Esq. (By E-mail)
Joshua Barstow (By E-Mail)
Jeffrey P. Drapeau (By E-mail)
Carl Billek (By E-mail)
Ryan Pearson (By E-mail)
Burt Cohen (By E-mail)
Thom Jordan (By E-mail)

2074066

Murtha Cullina LLP | Attorneys at Law

BOSTON

HARTFORD

MADISON

NEW HAVEN

STAMFORD

WOBURN

99 High Street | Boston, MA 02110 | Phone 617.457.4000 | Fax 617.482.3868 | www.murthalaw.com

AFFIDAVIT OF JOSHUA BARSTOW

I, Joshua Barstow, do depose and state as follows under oath:

1. I am Vice President of Advanced Services of MetroCast Cablevision of New Hampshire, LLC ("MetroCast").

2. I make the following statements based on personal knowledge, or, to the extent information has been furnished by others, based on information I believe to be true and accurate.

3. I have described below information on MetroCast's voice offerings that are currently available and actively marketed throughout approximately [REDACTED] of the Union Telephone Company ("Union") Service territory on a miles of plant basis or [REDACTED] on a homes/businesses passed basis, as described in the Affidavit of Jeffrey P. Drapeau, submitted herewith.

4. MetroCast makes available to all addresses for which it has facilities in the Union service territory a voice-only offering of unlimited local and long distance calling (including: caller ID, call waiting, call forwarding, anonymous call rejection, selective call rejection, distinctive ringing, do not disturb, automatic recall, voice mail, speed dialing, three-way calling and more), for a fixed monthly price of \$44.95, plus various one-time or recurring charges for installation, equipment and optional services, applicable taxes and regulatory fees.

5. MetroCast also makes available to all addresses for which it has facilities in the Union service territory an all-in-one service bundle consisting of unlimited local and long distance voice calling (including: caller ID, call waiting, call forwarding, anonymous call rejection, selective call rejection, distinctive ringing, do not disturb, automatic recall, voice mail, speed dialing, three-way calling and more), high speed Internet services, and video services for a fixed monthly price, discounted from individually priced offerings, in a price range of \$109.95 to \$134.95 (depending on video services chosen), plus various one-time or recurring charges for installation, equipment and optional services, applicable taxes, regulatory fees and any on-demand video services (such as pay-per-view).

6. MetroCast's current Digital Phone overview brochure employed by MetroCast in the Union service territory, with associated price and fee information, is attached hereto as Exhibit A.

7. At this time, MetroCast does not have special promotional offers other than the bundled pricing options reflected in Exhibit A.

Exhibit 2: Confidential
Attachment F

Signed under pains and penalties of perjury.

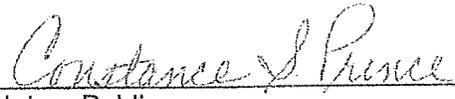


Joshua Barstow

STATE OF NEW HAMPSHIRE *PA*
COUNTY OF *CHESTER*

November 8, 2010

Then personally appeared the above named Joshua Barstow, who stated that the foregoing was his free act and deed, before me.



Notary Public
My commission expires: *Oct. 13, 2011*

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Constance S. Prince, Notary Public
East Whiteland Twp., Chester County
My Commission Expires Oct. 13, 2011
Pennsylvania Association of Notaries



Customer Service & Support

800-952-1001

Digital Phone

OVERVIEW BROCHURE

MetroCast Digital Phone available in all MetroCast serviceable areas excluding those where 9-1-1 certification is not currently available, however, Digital Phone is subject to availability by service area and all prices are subject to change. Feature availability and pricing may vary by market. All new phone subscriptions are subject to a one-time \$20 per line phone activation charge.

*In order for Caller ID feature to work, residential phone must be equipped with caller ID capability. Number and name will appear where available. MetroCast Digital Phone plan monthly rate does not include international calls except to Canada. Additional charges will apply for calls placed to locations outside the United States and Canada. There will be no individual call detail on your MetroCast billing statement. Individual call detail can be viewed online at www.MetroCast.com/phone.

MetroCast considers acceptable use to be 3,000 residential minutes per month. Not intended for business use. Additional terms and conditions may apply.



30-Day, Money-Back Guarantee

If you are not completely satisfied with MetroCast Digital Cable, MetroCast High Speed Internet or MetroCast Digital Phone cancel your service within 30 days and receive our full money back guarantee.



best value in home phone service.

- ◆ Keep your home phone number
- ◆ Unlimited local & long distance calling (US & CAN)
- ◆ One low flat monthly rate
- ◆ Online account management



How it works

Get a dedicated cable phone line that's independent of Internet or Cable television services!

Calling Features

Caller ID*: Know who's calling you before you answer.

Call Waiting: Calls can come in even when you're on another call. Answer it without disconnecting the original call.

Call Forwarding: Redirect incoming calls to another phone number.

Anonymous Call Rejection: Avoid incoming calls that intentionally block the caller's name/number from showing on your caller ID.

Selective Call Rejection: Avoid incoming calls from phone numbers you specify.

Distinctive Ring: Screen incoming calls based on the type of ring pattern or beep tone produced. Assign up to 5 unique ring patterns.

Do Not Disturb: Block all incoming calls at any time.

Automatic Recall (*69): Dials the number of your most recent incoming call.

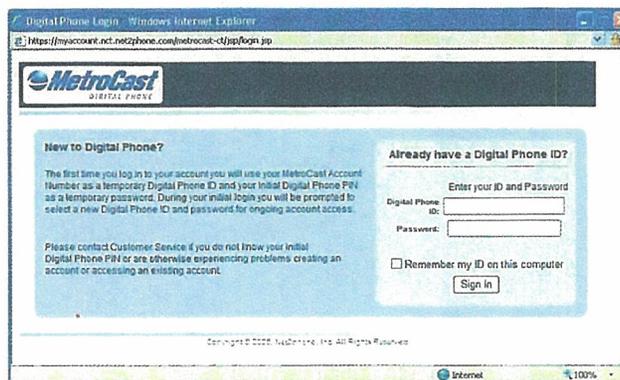
Voicemail: Whether you're away, on a call, or too busy to answer, MetroCast voicemail will take your calls. Access your voicemail anytime, from anywhere. And with many advanced features, using voicemail has never been easier.

Online Account Management: View call history, manage phone options, manage voicemail options, listen to voicemail and more. Do it all online!

...and more including **Outside Area Calling, Speed Dialing, and Three-Way Calling**

Manage your MetroCast Digital Phone from any place with internet access!

- 1) Go to www.MetroCast.com
- 2) Click **My Digital Phone Login** quick link on the left
- 3) Enter your Digital Phone ID and Password
(Set up at the time of installation)



New to Digital phone?

Digital Phone ID is your 16 digit MetroCast account number

The Password is the 4 digit PIN given to you by the technician at the time of installation and is located on your work order.

During your initial login you will be prompted to select a new Digital Phone ID and password for ongoing account access.

To request a new PIN, please call our 24/7 Customer Service at 800-952-1001.

Online Account Features

- ◆ Listen to your voicemail online
- ◆ Manage calling feature settings
- ◆ Set up multiple voicemail accounts
- ◆ View inbound and outbound call details
- ◆ Track phone usage and billing history

For a complete user guide visit
MetroCast.com/userguide

Digital Phone

MetroCast Digital Phone**	\$44.95
eMTA (phone modem)	\$3.95
Additional Phone Line	\$12.95
Voicemail (2-5 accounts)	\$4.95
Operator assistance	\$1.00 per use
Directory assistance	\$1.50 per use
Directory listing	FREE
Non-published listing rate	\$2.50
Non-listed rate	\$2.50
Primary line activation (one time fee)	\$20.00
Additional line activation (one time fee)	\$20.00
Moving, adding, changing service or phone number (one time fee)	\$20.00
Relocate and maintain telephone service	\$30.00

VIP-Video Internet Phone Packages**

(equipment not included/ converter & eMTA required)

VIP**	\$134.95
VIP Plus **	\$142.90
VIP Basic**	\$127.00
VIP Starter**	\$109.95

Installation and Other Services

Installation - for up to 4 outlets	\$40.00
Additional outlet (over 4) same trip	\$20.00
Additional outlet after primary trip	\$30.00
High Definition installation	\$49.95
Digital Video Recorder installation	\$49.95
High Speed Internet installation	\$99.95
Digital Phone installation	\$99.00
Service Call, 1 hour charge	\$40.00
Returned check fee	\$25.00
Collection at door fee	\$25.00
Non returned or damaged Digital Home Terminal	\$250.00
Non returned or damaged Cable Modem	\$99.00
Non returned or damaged HD DCT	\$350.00
Non returned or damaged DVR DCT	\$575.00
Non returned or damaged eMTA	\$130.00
Email only	\$10.00
Voice Park	\$12.95
Seasonal Park	\$18.95

OFFICE LOCATIONS AND HOURS

Call Toll Free 800-952-1001 (24/7 Customer Service Sales and Support)

Belmont Office: 9 Apple Road • Belmont, NH 03220 • 524-4425
Monday - Friday 8am to 6:30pm; Saturday 8am to 4:30pm

Rochester Office: 21 Jarvis Avenue • Rochester, NH 03868 • 332-5466
Monday - Friday 8am to 6:30pm; Saturday 8am to 4:30pm

Sanford Office: 102 Pleasant Street • Sanford, ME 04083 • 207-324-3700
Monday - Friday 8am to 6:30pm; Saturday 8am to 2pm

Basic service required to purchase additional video services. Prices do not include franchise fee or FCC fees. All prices are monthly charges unless otherwise specified. Some restrictions may apply. Offer available in MetroCast service areas only.

*Requires a digital home terminal. Blackout Restrictions apply to Sports Programming. To receive digital access, the digital home terminal must be connected to the cable network at all times.

**Phone prices vary based on the subscriber's MetroCast service package. Call Customer Service for details.

† Cable modem fee applies.

Discounted packages are available.

Please call Customer Service at 800-952-1001.

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**EXHIBIT 2
CORRECTED ATTACHMENT G**

Union Telephone Company

Access Line-Loss Summary Report (2004-2010)

Year	Number of Access Lines At Year-End	Annual Lines Lost	Annual Percentage Lost	Cumulative Lines Lost	Cumulative Percentage Lost
2004	7,815	--	--	--	--
2005	7,721	(94)	(1.2%)	(94)	(1.2%)
2006	7,532	(189)	(2.4%)	(283)	(3.6%)
2007	7,228	(304)	(4.0%)	(587)	(7.5%)
2008	6,718	(510)	(7.1%)	(1,097)	(14.0%)
2009	6,249	(469)	(7.0%)	(1,566)	(20.0%)
2010	5,273	(976)	(15.6%)	(2,542)	(32.5%)

Sources: Union Telephone Company Annual Reports 2004-2009 (Form S-1);
Union Telephone Company Draft 2010 Annual Report

Note: Union Telephone's 2010 Line Count reflects an addition of 22 access lines that resulted from a change in treatment of a PRI circuit. In prior years, Union treated a PRI as a single access line, while TDS treats a PRI as 23 lines.