

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DM 12-276

**Northern New England Telephone Operations LLC and Enhanced Communications of
Northern New England, Inc.**

Objection to Public Utility Assessments

ORDER OF NOTICE

On September 17, 2012, Northern New England Telephone Operations LLC (NNETO) and Enhanced Communications of Northern New England, Inc. (Enhanced Communications), both of which are affiliates of FairPoint Communications, Inc. (FairPoint), filed with the New Hampshire Public Utilities Commission (Commission) an objection to two public utility assessment invoices prepared by the Commission and dated August 17, 2012 in the annualized amount of \$942,999 for NNETO and \$70,452 for Enhanced Communications, respectively. The assessment invoices were issued pursuant to RSA Chapter 363-A. On September 26, 2012, the Office of Consumer Advocate (OCA) filed a notice of participation on behalf residential ratepayers. The objection and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-276.html>.

The Commission funds its general expenses incurred in the performance of its duties relating to public utilities and the Office of Consumer Advocate through public utility assessments made pursuant to the formula and procedures set forth in RSA Chapter 363-A. RSA 363-A:4 permits a public utility to object, within 30 days of the assessment for the first quarterly payment, to the amount assessed against it for the prior fiscal year on grounds that the

assessment is “excessive, erroneous, unlawful or invalid.” If the assessment of one public utility is reduced, it is possible that the assessments of the remaining public utilities will increase, in order to fully reimburse the Commission for its expenses.

NNETO claims that its fiscal year 2013 assessment should be reset to no more than \$403,229, a reduction of \$539,770 from its annualized assessment amount, while Enhanced Communications claims that its fiscal year 2013 assessment should be reset to a maximum of \$5,500, a reduction of \$64,952 from its annualized assessment amount. They argue that they (including NNETO and any other Excepted Local Exchange Carriers) should not be required to fund expenses of the OCA due to the enactment of Laws of 2012, Chapter 177 (SB 48) and, in addition, that the Commission has no statutory authority to levy an assessment on the interstate revenues of either NNETO or Enhanced Communications. They also argue that the assessments constitute an unlawful and unconstitutional taking of property. NNETO and Enhanced Communications committed to timely pay the first quarterly installment of their respective assessments as billed by the Commission and they have done so.

The filing raises, inter alia, issues related to whether the assessments NNETO and Enhanced Communications object to are “excessive, erroneous, unlawful or invalid” under RSA 363-A:4 and/or constitute an unlawful and unconstitutional taking of property and whether the FairPoint assessments should be reset, including but not limited to issues related to the scope of the term “gross utility revenue” in RSA 363-A:2, whether and to what extent FairPoint’s arguments for resetting the assessments apply to the Commission’s fiscal year 2013 assessments, and whether implementation of SB 48 requires any changes to the method by which utility assessments are calculated. Each party has the right to have an attorney represent the party at the party’s own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on November 6, 2012 at 1:30 pm, at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, FairPoint, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow Fairpoint to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, FairPoint shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than October 15, 2012, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before November 6, 2012; and it is

FURTHER ORDERED, that the Executive Director of the Commission send a copy of this order of notice forthwith by electronic means to all public utilities that were sent Commission assessment invoices for fiscal year 2013; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to FairPoint and the Office of the Consumer Advocate on or before October 31, 2012, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

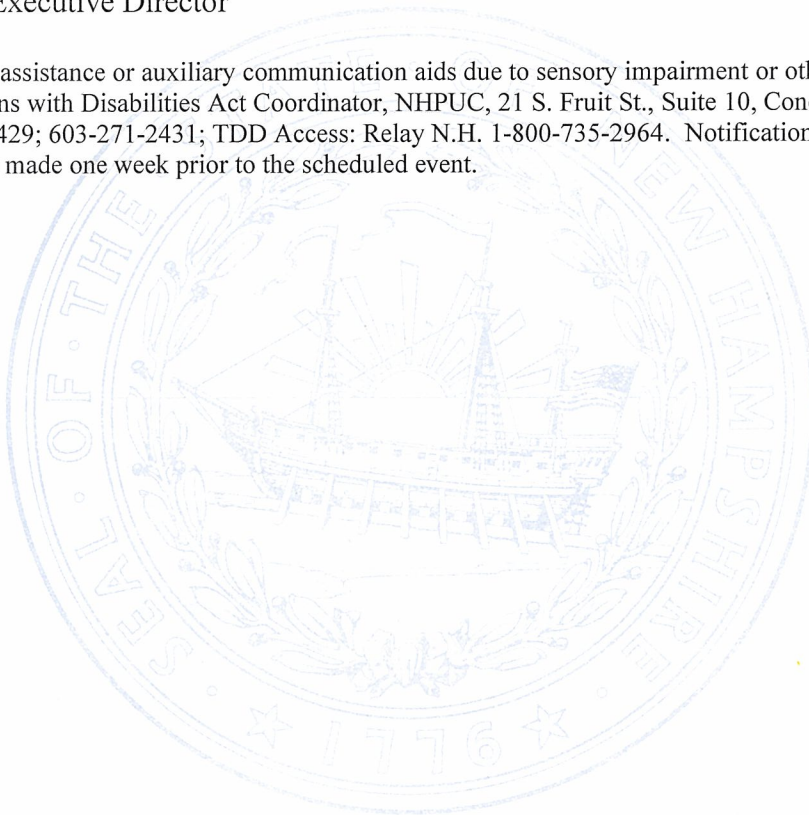
FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before November 6, 2012.

By order of the Public Utilities Commission of New Hampshire this fifth day of October, 2012.



Adele E. Leighton
Assistant to the Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.



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AccessPlus Communications, Inc.
ACN Communications Services, Inc. (Both TP & LEC)
Airespring, Inc. (Both TP & LEC)
A.R.C. Networks, Inc. (Both TP & LEC)
AT&T Corp. dba CQ Talk!, Lucky Dog Phone Co., SmarTalk (Both TP & LEC)
Bandwidth.com CLEC, LLC (Both TP & LEC)
BCN Telecom, Inc. (Both TP & LEC)
Biddeford Internet Corporation
Broadview Networks, Inc. (Both TP & LEC)
Broadview NP Acquisition Corporation (Both TP & LEC)
Broadvox-CLEC, LLC (Both TP & LEC)
BT Communications Sales, LLC (Both TP & LEC)
BullsEye Telecom, Inc. (Both TP & LEC)
C&W Communications, LLC (Both TP & LEC)
Charter Fiberlink, NH (Both TP & LEC)
Choice One of New Hampshire, Inc. dba EarthLink Business (Both TP & LEC)
Cincinnati Bell Any Distance (Both TP & LEC)
Comcast Phone of New Hampshire, LLC dba Comcast Digital Phone, CIMCO (Both TP & LEC)
Communications Solutions Partners, Inc.
COMTECH 21, LLC (Both TP & LEC)
Conversent Comm of NH, LLC dba EarthLink Business (Both TP & LEC)
Covista, Inc. (Both TP & LEC)
CRC Communications LLC dba OTT Communications (Both TP & LEC)
Crexendo Business Solutions, Inc. (Both TP & LEC)
CTC Communications Corporation dba EarthLink Business (Both TP & LEC)
DIECA Comm dba Covad Comm (Both TP & LEC)
dishNET Wireline LLC (Both TP & LEC)
DSCI Corporation
EnTelegent Solutions, Inc. (Both TP & LEC)
Ernest Communications, Inc. (Both TP & LEC)
Eureka Telecom, Inc. dba InfoHighway Comm
Fiber Technologies Networks, LLC
France Telecom Corporate Solutions, LLC (Both TP & LEC)
Freedom Ring Comm, LLC dba BayRing (Both TP & LEC)
G4 Telecom NH, Inc. dba Otel Telekom, Inc.
GC Pivotal, LLC (Both TP & LEC)
Global Crossing Local Services, Inc.
Global Crossing Telemanagement, Inc.
Granite Telecomm, LLC dba Cornerstone Comm (Both TP & LEC)
Great America Networks, Inc. (Both TP & LEC)

Hypercube Telecom, LLC (Both TP & LEC)
IDT America Corporation (Both TP & LEC)
inContact, Inc. dba UCN, Inc. (Both TP & LEC)
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 Light Tower Fiber LLC
 Lightyear Network Solutions, LLC (Both TP & LEC)
 Matrix Telecom, Inc. dba Trinsic, Vartec, Excel, Clear Choice (Both TP & LEC)
 McGraw Communications, Inc. (Both TP & LEC)
 MCImetro Access Trans Svc, LLC
 McLeodUSA Telecommunications Services, Inc. (Both TP & LEC)
 MetroCast Cablevision of New Hampshire, LLC
 Metropolitan Telecomm of New Hampshire, Inc. (Both TP & LEC)
 Mitel NetSolutions, Inc. (Both TP & LEC)

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 Qwest Communications Co, LLC dba CenturyLink QCC (Both TP & LEC)
 Revolution Networks, LLC
 RNK, Inc. (Both TP & LEC)
 Rural Economic Development Network, Inc.
 SecureSysCom, Inc.
 SegTEL, Inc. (Both TP & LEC)

Sidera Networks, LLC (Both TP & LEC)
 Sovernet Corp. dba Vermont FiberConnect
 Spectrotel, Inc. (Both TP & LEC)
 Sprint Comm Company, LP (Both TP & LEC)
 TCG New Jersey, Inc. dba AT&T (Both TP & LEC)
 Telcentrex, LLC (Both TP & LEC)
 Telco Experts, LLC (Both TP & LEC)
 TelCove Operations, Inc. (Both TP & LEC)
 Telecom Management, Inc. dba Pioneer Telephone (Both TP & LEC)
 Teljet Longhaul of New Hampshire LLC
 Time Warner Cable Info Svcs New Hampshire (Both TP & LEC)
 Topsham Communications, LLC (Both TP & LEC)
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Dixville Telephone Co.
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Granite State Telephone
Hollis Telephone Co.
Kearsarge Telephone Co.
Merrimack Telephone Co.
Northland Telephone Co. of ME dba FairPoint
FairPoint Communications
Union Telephone Co.
Wilton Telephone Co.

anich@bwtc.net
awalsh@tillotsoncorp.com
scnelson@gsinet.net
bstafford@gsn.net
tom.murray@tdstelecom.com
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tom.murray@tdstelecom.com
rtulk@fairpoint.com
rtaylor@fairpoint.com
tom.murray@tdstelecom.com
tom.murray@tdstelecom.com

AMERICATEL CORPORATION
MATRIX TELECOM INC
433 E LAS COLINAS BLVD
STE 400
IRVING TX 75039

BCN TELECOM INC
107 W MICHIGAN AVE
4TH FLR
KALAMAZOO MI 49007

CAUSE BASED COMMERCE INC
DSCI CORPORATION
OPEX COMMS INC
740 FLORIDA CENTRAL PKWY
STE 2028
LONGWOOD FL 32750

CHARTER FIBERLINK NH-CCO
12405 POWERSCOURT DR
ST LOUIS MO 63131

DELTACOM INC
7037 OLD MADISON PIKE
STE 400
HUNTSVILLE AL 35806

ENHANCED COMMS OF NO NE
1 DAVIS FARM RD
PORTLAND ME 04103

FIBER TECHNOLOGIES
300 MERIDIAN CENTRE
ROCHESTER NY 14618

FIRST COMMS OF OHIO
3340 W MARKET ST
AKRON OH 44333

GOLD LINE TELEMGMT
300 ALLSTATE PKWY
MARKHAM ONTARIO
CANADA L3R 0P2

GRANITE TELECOMMS
100 NEWPORT AVE EXT
QUINCY MA 02171

InCONTACT INC
7730 S UNION PARK AVE
STE 500
MIDVALE UT 84047

INMATE CALLING SOLUTIONS
2200 DANBURY ST
SAN ANTONIO TX 78217

INTELLICALL OP SVCS INC
1049 NE MACEDONIA CHURCH AVE
LEE FL 32059

IPC NETWORK SVCS INC
3 SECOND ST 15TH FLR
JERSEY CITY NJ 07311

MITEL NETSOLUTIONS INC
7300 W BOSTON ST
CHANDLER AZ 85226

NECC TELECOM INC
3100 CUMBERLAND BLVD
STE 700
ATLANTA GA 30339

NETWORK COMMS
INTERNATION CORP
606 E MAGRILL ST
LONGVIEW TX 75601

NETWORK OP SVCS INC
PO BOX 3529
LONGVIEW TX 75606

NOVATEL LTD
WDT WORLD DISCOUNT
TELECOMMUNICATIONS
PO BOX 720128
OKLAHOMA CITY OK 73172

PNG TELECOMMS INC
100 COMMERCIAL DR
FAIRFIELD OH 45014

PRIMUS TELECOMMS INC
7901 JONES BRANCH DR
STE 900
MCLEAN VA 22102

PUBLIC COMMS SVCS INC
12021 SUNSET HILLS RD
STE 100
RESTON VA 20190

PULSE TELECOM LLC
4969 US HWY 42
STE 2700
LOUISVILLE KY 40222

SECURUS TECHNOLOGIES INC
14651 DALLAS PKWY
STE 600
DALLAS TX 75254

SIDERA NETWORKS LLC
196 VAN BUREN ST
STE 250
HERNDON VA 20170

STI PREPAID LLC
1250 BROADWAY
26TH FLR
NEW YORK NY 10001

TCG NEW JERSEY INC
ONE AT&T WAY
RM 2B115E
BEDMINSTER NJ 07921

TELECOM MGMT INC
39 DARLING AVE
SOUTH PORTLAND ME 04106

TELECONNECT LONG
DISTANCE SERVICES
TTI NATIONAL INC
5055 N POINT PKWY
ALPHARETTA GA 30022

TELRITE CORPORATION
4113 MONTICELLO ST
COVINGTON GA 30014

TOPSHAM COMMS
26 S MAIN ST
HAMMOND NY 13646

TOUCHTONE COMMS LLC
16 S JEFFERSON RD
WHIPPANY NJ 07981

UI LONG DISTANCE
908 W FRONTVIEW
DODGE CITY KS 67801

VERIZON ENTERPRISE
SOLUTIONS LLC
ONE VERIZON WAY
VC53S460
BASKING RIDGE NJ 07920

WHOLESALE CARRIER SVCS
5471 N UNIVERSITY
CORAL SPRINGS FL 33067

WILTEL COMMUNICATIONS
1025 ELDORADO BLVD
BROOMFIELD CO 80021

WORKING ASSETS
FUNDING SVC INC
101 MARKET ST
STE 700
SAN FRANCISCO CA 94105

X2COMM INC
270 S MAIN ST
FLEMINGTON NJ 08822

YAK COMMUNICATIONS
(AMERICA) INC
13865 SUNRISE VALLEY DR
HERNDON VA 20171

CHURCHILL PUBLIC COMMS
51 CLEARWATER PL
LACONIA NH 03246

MBE COIN PHONE LLC
25 FEATHERBED LANE
DERRY NH 03038

NEW HAMPSHIRE TRANSMISSION
PO BOX 14000
JUNO BEACH FL 33408

NE ELEC TRANSMISSION CORP
NE HYDRO TRANSMISSION CORP
40 SYLVAN RD
WALTHAM MA 02451

LAKELAND MGMT CO INC
PO BOX 7394
GILFORD NH 03247

PITTSFIELD AQUEDUCT CO INC
25 MANCHESTER ST
MERRIMACK NH 03054

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

Executive.Director@puc.nh.gov
achesley@devinemillimet.com
amanda.noonan@puc.nh.gov
Christina.Martin@oca.nh.gov
edward.damon@puc.nh.gov
hmalone@devinemillimet.com
kate.bailey@puc.nh.gov
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pmchugh@fairpoint.com
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Stephen.R.Eckberg@oca.nh.gov
susan.chamberlin@oca.nh.gov

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.