

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

DATE: February 25, 2013  
AT (OFFICE): NHPUC

ML  
**FROM:** Michael Ladam, Assistant Director of Telecommunications  
**SUBJECT:** DT 13-032, Bretton Woods Telephone Company Tariff Filing to Eliminate Retail Services Tariff  
**TO:** Commissioners  
Debra Howland, Executive Director

On January 29, 2013, Bretton Woods Telephone Company (Bretton Woods) submitted a tariff filing supplement to eliminate its Tariff No. 3, which specifies the terms, rates, and conditions for retail telephone service. Bretton Woods had previously advised the Commission of its election to be classified as an Excepted Local Exchange Carrier (ELEC) pursuant to New Hampshire RSA 362:7, I(c)(2).

Under RSA 378:1-a, ELECs are not required to maintain telephone tariffs for "any service provided to such end user." However, the Commission has previously determined that an ELEC may be required to maintain its retail tariff when its other tariff(s) include reference to the retail tariff (Order 25,444 of December 21, 2012). Page 10 of Bretton Woods' access tariff for wholesale services includes the following language:

### REFERENCE TO OTHER TARIFFS

Whenever reference is made in this Tariff to other intrastate tariffs of the Telephone Company, the reference is to the tariffs in force as of the effective date of this Tariff, and to amendments thereto and successive issues thereof.

Since the access tariff thereby incorporates Tariff No. 3 by reference, Staff recommends that the Commission follow the approach adopted in Order 25,444: that is, allow Tariff No. 3 to be withdrawn with regard to retail service offerings, but retain a copy of it until all references to it in other Bretton Woods' tariffs are removed, "for the limited purpose of resolving disputes regarding wholesale services."