

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8881

Joint Petition of Consolidated Communications)
Holding, Inc., Consolidated Communications,)
Inc., Falcon Merger Sub, Inc., FairPoint)
Communications, Inc., Telephone Operating)
Company of Vermont LLC, d/b/a FairPoint)
Communications, FairPoint Vermont, Inc., d/b/a)
FairPoint Communications, UI Long Distance,)
Inc., and Enhanced Communications of Northern)
New England, Inc., for approval of a transfer of)
control by merger, pursuant to 30 V.S.A §§ 107,)
108, 109, 231(a), and 311)

Order entered: 03/17/2017

ORDER RE: MOTION TO INTERVENE

I. INTRODUCTION

In this Order, we grant a motion to intervene filed in this proceeding by Communications Workers of America (“CWA”) Local 1400 and International Brotherhood of Electrical Workers (“IBEW”) Locals 2320, 2326, and 2327, that form the IBEW System Council T-9 (collectively, “Labor Intervenors”).

This proceeding concerns a joint petition (“Petition”) filed by Consolidated Communications Holding, Inc., Consolidated Communications, Inc., Falcon Merger Sub, Inc., FairPoint Communications, Inc. (“FCI”), Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications, FairPoint Vermont, Inc., d/b/a FairPoint Communications, UI Long Distance, Inc., and Enhanced Communications of Northern New England, Inc. (collectively, “Consolidated” and “FairPoint” or “Petitioners”) for approval of a transfer of control by merger, pursuant to 30 V.S.A §§ 107, 108, 109, 231(a), and 311.

II. PROCEDURAL HISTORY

On January 19, 2017, the Labor Intervenors filed a motion to intervene (“Motion”).

On February 3, 2017, the Petitioners filed a response to the Labor Intervenors' Motion.

On February 6, 2017, the Labor Intervenors filed a reply to the Petitioners' response.

No other comments on the Labor Intervenors' Motion were filed.

No other motions to intervene were filed.

III. MOTION TO INTERVENE

Labor Intervenors' Motion to Intervene

The Labor Intervenors seek intervention as of right pursuant to Board Rule 2.209(A) or, alternatively, permissive intervention pursuant to Board Rule 2.209(B). In support of their Motion, the Labor Intervenors state that they are the authorized collective bargaining representatives for more than 1,350 employees of FCI in Vermont, Maine, and New Hampshire. The Labor Intervenors maintain that, as employees and customers of FCI, they will be directly, and potentially adversely, affected by the proposed change in ownership of FCI. They further maintain that this proceeding represents the exclusive means by which Labor Intervenors can protect their joint interests as employees and customers of FCI, and that their interests are not adequately represented by any other party.

Petitioners' Response to Motion to Intervene

The Joint Petitioners do not oppose the intervention of the Labor Intervenors with respect to matters within the scope of the Board's review of the Petition under 30 V.S.A. §§ 107, 108, 109, and 311. They request that the Board limit the Labor Intervenors' intervention to subject areas that are relevant under the statutory criteria and the Board's jurisdiction.

Labor Intervenors' Reply

The Labor Intervenors agree to limit their participation in this case to those issues that are within the Board's jurisdiction. They cite to the Board's intervention ruling in Docket 7270, in which the Board granted the labor intervenors' permissive intervention. The Labor Intervenors note that the issues listed in the motion to intervene in that case included effects on employment, potential outsourcing, changes in benefits, the proposed new owner's financial and managerial

fitness and commitment to the provision of high-quality service, and “such other matters that may affect the interests of the Labor Intervenors.”¹

IV. DISCUSSION AND CONCLUSION

Based on the filings on this matter, we find that the Labor Intervenors have demonstrated that their interests may be affected by the proposed transaction and that no other party can adequately protect their interests. Accordingly, the Board grants permissive intervention pursuant to PSB Rule 2.209(B). The Labor Intervenors’ participation shall be generally limited to matters pertaining to whether the proposed transaction has any material bearing on their relationship with the surviving corporation, consistent with their participation in Docket 7270.

SO ORDERED.

Dated at Montpelier, Vermont, this 17th day of March, 2017

_____	)	
	)	PUBLIC SERVICE
	)	
<i>Robert Clancy</i>	)	BOARD
	)	
<i>Samuel H. Hyman</i>	)	OF VERMONT

OFFICE OF THE CLERK

FILED: March 17, 2017

ATTEST: *Judith C. Whitney*
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)

1. Labor Intervenors Reply at 2.

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