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January 10, 2007

**VIA HAND DELIVERY**

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301



**Re: Docket DT 06-067 – Freedom Ring Communications Complaint Against Verizon New Hampshire re Access Charges**

Dear Ms. Howland:

Enclosed are an original and six copies of Verizon New Hampshire's Motion to Compel Discovery Responses and Expedited Motion to Suspend Schedule Pending Consideration of Verizon's Discovery Motion.

Thank you for your attention to this matter.

Very truly yours,

*Victor D. Del Vecchio* (SfN3)  
Victor D. Del Vecchio

cc: Service List  
Enclosure

NHPUC JAN10 07 PM 4:22

**STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

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Complaint of Freedom Ring Communications,	)	
LLC d/b/a BayRing Communications Against	)	Docket: DT 06-067
Verizon New Hampshire re: Access Charges	)	
	)	

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**VERIZON NEW HAMPSHIRE'S**  
**MOTION TO COMPEL DISCOVERY RESPONSES**

In accordance with N.H. Admin. Rule Puc 203.07 and 203.09(i), Verizon New England Inc., d/b/a Verizon New Hampshire (“Verizon NH”), moves to compel Freedom Ring Communications d/b/a BayRing Communications, AT&T Communications, Inc., One Communications and RNK Inc. (the “Carrier” or “Carriers”)<sup>1</sup> to provide full and complete responses to the data requests propounded by Verizon NH on December 15, 2006. Specifically, in an unambiguously concerted effort in which the Carriers responded with nearly identical objections to 41 of the 57 requests served by Verizon NH, the Carriers stated their intention not to reply in part or in full to data requests 1, 2, 3, 8, 10-35 and 45-55 (copies of these data requests, including the Carriers’ objections, are appended as Attachment A).<sup>2</sup>

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<sup>1</sup> Otel Telekom and segTEL were also served but did not object to the requests.

<sup>2</sup> BayRing objected to all, and AT&T and Conversent objected to all but two (nos. 50 and 55), of the requests listed above. Request 50 was specific to BayRing and Request 55 may not apply to AT&T and Conversent. RNK similarly objected on the basis of relevance to all that apparently applied to it (8, 10-35, 52-53 and 54). A limited number of objections were additionally based on availability as a “public record” (BayRing, AT&T and RNK), or that Verizon purportedly already had “access” (BayRing) (*see, e.g.*, 1, 3, 8, 46-49, 51-54). Conversent, by contrast, did not assert a “public record” or “access” objection, perhaps reasonably recognizing that such grounds are generally not sustainable. *See, e.g., City of Nashua*, Order No. 24,681 dated October 23, 2006 at 4 (“Since PACER is a fee-based system it is reasonable for PWV to expect Nashua to produce to PWV documents responsive” to the requests, even if otherwise generally available to the public). Additionally, in certain instances, BayRing alternatively objected on the grounds

The information Verizon NH seeks is reasonably calculated to allow it to fully develop and present its case in this proceeding, and the Carriers' failure to provide the information will result in a denial of due process unless the Commission takes corrective action. As Verizon NH's testimony will be directly affected by the information sought, and that testimony is due to be filed on February 9, 2007, Verizon NH has also filed an expedited motion to suspend the procedural schedule until the discovery dispute is resolved and the scope of this phase of the adjudicative proceeding is clearly established.<sup>3</sup>

#### **I. STANDARD OF REVIEW**

Discovery in Commission proceedings is guided by the principles and procedures set forth in New Hampshire Superior Court Rule 35(b)(1), which states in pertinent part that “[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party....” *Re Investigation into Whether Certain Calls Are Local*, Docket DT 00-223, Order No. 23,658, 86 NH PUC 167, 168 (Mar. 22, 2001). While “discovery should be relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence,” the Commission will deny a motion to compel discovery only when it “can perceive of no circumstances in which the requested data will be relevant.” *Lower Bartlett Water Precinct*, Docket DW 99-166, Order No. 23,471 at 4-5 (May 9, 2000); *see also Re Public Service of New Hampshire*, 86 NH PUC 730, 731-732 (2001); *Re Public*

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of “undue burden” without supporting its contention (*see, e.g.*, nos. 2, 55). Finally, the Carriers also objected to nos. 52 and 53, arguing that references to other states is irrelevant regardless of whether the issues - such as whether carrier common line (“CCL”) charges apply to “calls made or received by either wireless or wireline end-users of carriers other than Verizon, which do not employ a Verizon local loop” – are the same or similar. *Order* at 4. For convenience, Verizon NH will respond below to the objections of BayRing, given the concerted similarity of the objections.

<sup>3</sup> Verizon NH contacted the Carriers and was unable to resolve the discovery dispute. *See* Puc 203.09(i)(4).

*Service Company of New Hampshire*, 89 NH PUC 226, 229 (2004). As the New Hampshire Supreme Court has held, a party in a legal proceeding in New Hampshire is entitled to “be fully informed and have access to all evidence favorable to his side of the issue. This is true whether the issue is one which has been raised by him or by his opponents and whether the evidence is in the possession of his opponent or someone else.” *Scontsas v. Citizens Insur. Co.*, 109 N. H. 386, 253 A. 2d 831, 833 (1969).

The scope of discovery in Commission proceedings is thus broad, the Commission recognizing the “liberality of the applicable discovery rule.” *Re Public Service of New Hampshire*, 86 NH PUC at 732. The underlying purpose of discovery in legal proceedings is to reach the truth. *See Scontsas*, 109 N.H. at 388, *citing Hartford Accident &c. Co. v. Cutter*, 108 N.H. 112, 113 (1967). “If a party is surprised [at trial] by the introduction of evidence or an issue or the presentation of a witness previously unknown to him, the trier of fact is likely to be deprived of having that party’s side of the issue fully presented, and the system becomes less effective as a means of discovering the truth.” *Id.*

## **II. DISCUSSION**

### **A. General Comments**

As recently explained in the November 29, 2006 Order of Notice (the “*Order*”), the purpose of this phase of the adjudicative docket is to investigate Verizon NH’s “practice of imposing switched access charges, including carrier common line (CCL) access charges,” on calls that originate on the Carriers’ networks and terminate “at wireline end-user (as well as wireless) customers served by carriers other than Verizon.” *Order* at 1, 3. At both prehearing conferences of July 27 and November 3, 2006, Verizon

NH emphasized the appropriateness of the PUC's reviewing not simply the specific language of the tariff – which Verizon NH asserts on its face supports the reasonableness of Verizon NH's position – but also the “industry practice” on which BayRing relied in part and that long preceded the filing of BayRing's complaint. *See, e.g.*, 11/3/06 Tr. at 13-16; 7/27/06 Tr. at 19-20, 22.

Based on motions to clarify or amend the scope of the proceeding, the PUC expanded the scope of the investigation and adopted a schedule that included “discovery, testimony and an evidentiary hearing,” *Order* at 3, as Verizon NH requested. The Commission also bifurcated the issues of tariff interpretation and reparations, while at the same time directing the parties to provide in this phase of the docket an estimate of the “magnitude of the potential financial impact involved,” including Verizon NH's estimate of “annual impact to Verizon if the disputed revenue is no longer collected.” *Order* at 6-7.<sup>4</sup>

Significantly, however, the PUC did not rule that the exploration of “industry practice,” the bases for the Carriers' position, or the availability of competitive alternatives to the services at issue – either as established in New Hampshire or elsewhere – were inappropriate grounds for discovery or inclusion in testimony. In fact, the only ground on which the Carriers rely in support of their “not relevant” objections is “See NH PUC Order No. 24,705 (November 29, 2006) a p. 7.” But page 7 of the *Order* only addressed the issue of whether phase one of the docket would “be limited to tariff interpretation” rather than also include an exploration of financial reparations. In other words, the Carriers have seized on the words “tariff interpretation” (on page 7) and

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<sup>4</sup> The Commission also explained that during phase one there would be no discovery on the impact calculations.

concluded that 41 out of the 57 questions Verizon asked should not be answered because “not relevant.”

As Verizon NH has asserted throughout this adjudicative proceeding, a relevant step in the PUC’s review of the “*proper*” interpretation of the tariff (*Order* at 6, emphasis added) is to determine past “industry practice” (to use BayRing’s expression) and the reason why the relevant tariff provisions were adopted in the first place. The Carriers, however, would deny Verizon and the Commission information bearing on the “proper interpretation.” Indeed, recognizing the relevance of “industry practice” to the matter of the “proper interpretation of the tariff,” Staff itself asked questions of Verizon NH and AT&T bearing on the issue:

Staff 3 (AT&T). In scenario 2 of Staff’s call flow diagrams, which reflects a call type which would have been possible before 1996, please indicate when Common Carrier Line charges for originating calls of this type were first billed to your company. Please support your answer.

Staff 17 (VZ). Please identify the year in which Verizon or its predecessor charged carrier common line for the first time for switched access service that did not include a Verizon common line. Identify the toll provider to which the charge was billed.

Staff 18 (VZ). Please provide supporting documentation in the form of billing records to support Verizon’s contention that it has historically billed carrier common line for calls which do not involve access to a Verizon end-user, such as the calls depicted in scenario 3 (originating) or depicted in scenario 20 (originating or terminating) of Staff’s call flow diagrams.

Staff 19 (VZ). Provide a copy of the oldest bill to either BayRing or AT&T the company can produce, which shows CCL charges for calls depicted in scenario 3 (originating) or depicted in scenario 20 (originating or terminating). If the carrier common line charge is not specifically itemized, please clearly explain each charge on the bill, each abbreviation used and how the carrier would have known it was being billed this charge.

Despite the fact that AT&T described the issue at hand as “what the tariff has required since it was adopted and what it continues to require today,” *Order* at 5, it and the other Carriers now seek to avoid providing responses in whole or in part bearing on that very matter. In some cases, for example, the responses appear to be modeled on what may be the practice conducted in other jurisdictions, rather than the way discovery is traditionally conducted in proceedings before this Commission. The Commission rightly expects forthrightness and responsiveness from the utilities that participate in its proceedings. This investigation, implicating the “legal rights, duties or privileges” of Verizon NH (*see* Puc 102.04, defining a “contested case”), is no exception.

The Carriers’ concerted refusal to produce the information sought by Verizon NH will unnecessarily undermine its ability to understand the bases for the Carriers’ position, prepare its case for hearing, and present evidence responding to the Carriers’ contentions. In the absence of a Commission order compelling the Carriers to provide responsive answers to the relevant data requests, Verizon NH will be denied a meaningful opportunity to conduct cross examination of key witnesses and to present testimony designed to respond to identified Commission concerns. For the reasons discussed above and as addressed more specifically below, the Carriers’ failure to respond completely to the relevant data requests must be corrected. The “purpose of discovery is to develop and explore the facts at issue in a case.” *City of Nashua*, Docket DW 04-048, Order No. 24,485 dated July 8, 2005 at 4. While discovery is not necessarily the time to argue policy or advocate for the final result, it is specifically designed “to seek and respond to factual matters that may lead to admissible evidence.” *Id.* The Carriers’ failure to

respond denies Verizon NH and the Commission that opportunity in this adjudicative proceeding.

**B. Additional Specific Comments**

<u>Request Nos.</u>	<u>Additional Specific Comments</u>
1	Page 7 of the <i>Order</i> addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The requested information is relevant to (or reasonably calculated to lead to the discovery of admissible evidence regarding) the issue of whether Verizon NH has properly applied its lawful tariff. Information communicated to Verizon NH by the Carriers may lead to the discovery of facts regarding how the Carriers acted in regards to the application of the tariff and whether the Carriers followed the related provisions of NHPUC No. 85, Section 4.1.8, in informing Verizon NH of specific information regarding an alleged misapplication of tariff provisions and disputed matters. The requested information may thus have a direct bearing on the exploration of facts relative to whether Verizon NH has properly applied its tariff.
2 & 3	Page 7 of the <i>Order</i> addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The requested information is relevant to (or reasonably calculated to lead to the discovery of admissible evidence regarding) whether the proper interpretation or application of the tariff is based on specific call records that only the carrier can identify, allegedly evidencing that access charges have not been imposed according to the tariff.
8 & 54	Page 7 of the <i>Order</i> addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The requested information is relevant to (or reasonably calculated to lead to the discovery of admissible evidence regarding) whether the disputed call types have been properly billed, as the relevant Verizon services may also have been subject to terms and conditions governed by agreements as well as the tariff. The questions also seek to understand the parties' position regarding their interpretation of the terms and conditions that apply to the disputed call types and charges.
10-35	Page 7 of the <i>Order</i> addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The questions have bearing on whether tariff-purchasing CLECs of Verizon access services are harmed by the recovery of

CCL, given the availability of competitive alternatives. The Carriers may claim, as they typically do, that competitive harm will befall them if CCL charges continue be levied under the tariff. It is relevant in that regard to determine whether carriers, that do not want to pay CCL access charges for the use of Verizon NH's network, have alternate means of routing exchange access and exchanging local traffic with other carriers that do not involve Verizon NH's switched network.

- 36-44 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The information Verizon NH is requesting is relevant to the proper interpretation of the tariff and seeks pertinent documentation, such as any orders or decisions of the Commission upon which the Carriers rely. "Like documentation" is not vague and clearly refers to any order or decision of the Commission upon which the carrier is basing it claim.
- 45 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The requested information is relevant to the meaning of the tariff, as Docket DE 90-002 established the framework for the access tariff and the application of access charges for toll competition. The meaning and application of the tariff should appropriately be viewed in the overall context of how it was developed. Participation in that proceeding may shed light on whether the parties' claims are based on a complete understanding of how the access charge structure and policies were determined and how the resulting compliance tariff implementing those policies came to be.
- 46-49 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. Information concerning when a party first began operating in NH is relevant to the meaning and application of the tariff as it is a clear indicator of when the party first began purchasing access services under the tariff and became subject to the disputed tariff terms and conditions, and the time period, if any, during which the application of the tariff was never an issue of contention for the carrier.
- 50 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. Please see comments regarding no. 45.
- 51 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. Please see comments regarding nos. 46-49.

- 52-53 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The requested information is relevant to the meaning and application of the tariff as there may be proceedings in other states that have addressed the same or similar issue, and whose access tariffs have or had the same or similar language as NHPUC No. 85. It may be useful, for example, for the Commission to have insight into the parties' participation in such proceeding and how other jurisdictions have addressed the same or similar issue. Questions regarding common issues in other states have been asked of and answered by Verizon NH in many other dockets before the PUC.
- 55 Page 7 of the *Order* addresses financial impact estimates and the procedural schedule; it does not support the objection for which it is cited. The requested information is relevant to the meaning and application of the tariff as the Carrier itself has identified this call type as an issue involving what it believes to be an improper application of the tariff, but has not provided any substantiating facts to Verizon NH or the Commission that can be confirmed or challenged. As to being unduly burdensome, the objection is conclusory. In any event, actual copies of a sampling of bills would be sufficient to serve as examples.

### **III. CONCLUSION**

For the reasons set forth above, Verizon NH respectfully requests that the Commission grant this motion to compel and order the Carriers to respond to all of the data requests discussed above. Verizon NH is entitled to such information in order to properly prepare and fully present its case before the Commission. Because Verizon NH's initial testimony will be directly affected by the information being sought, and that testimony is due to be filed by February 9, 2007, Verizon NH has also separately

moved that the Commission suspend the procedural schedule until the scope of the adjudicative proceeding and this discovery dispute are resolved.

Respectfully submitted,

VERIZON NEW ENGLAND D/B/A  
VERIZON NEW HAMPSHIRE

By Its Attorney

Dated: January 10, 2007

By: Victor D. Del Vecchio (att 3)  
Victor D. Del Vecchio  
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**ATTACHMENT A**

**STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

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Complaint of Freedom Ring Communications, )  
LLC d/b/a BayRing Communications Against ) Docket: DT 06-067  
Verizon New Hampshire re: Access Charges )  
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**VERIZON NEW HAMPSHIRE'S**  
**FIRST SET OF INFORMATION REQUESTS**

Verizon New England Inc., d/b/a Verizon New Hampshire ("Verizon NH"), requests that Freedom Ring Communications d/b/a BayRing Communications, AT&T Communications, Inc., One Communications, Otel Telekom Inc., segTEL Inc., and RNK Inc. (the "Carrier" or "Carriers") each respond to the following information requests as noted below.<sup>1</sup>

**DEFINITIONS AND INSTRUCTIONS**

- A. With respect to each question, please state: (1) the name(s) and title(s) of the person or persons responsible for preparing the response; (2) the name(s) and titles(s) of the person or persons who would be competent to testify concerning the response, whether or not that person will be called as part of the party's direct case in this proceeding.
  
- B. The words "document" and "documentation" are used in their broadest sense to include any means of recording or transmitting information, and include, without limitation, writings, drawings, graphs, charts, photographs, phono-records, microfilm, microfiche, computer printouts, computer files, correspondence, handwritten notes, workpapers, records or reports, bills, checks, articles from journals or other sources, contracts, agreements, pamphlets, plans, specifications, summaries, studies, and any other data compilations or written matter of any kind from which information can be obtained, and all copies of such documents which

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<sup>1</sup> To the extent a request seeks information regarding a particular representation by BayRing, whether in its filings or otherwise, Verizon NH requests that BayRing provide responsive information as noted in the request. Similarly, to the extent any other Carrier has like information responsive to the request as it relates to the particular Carrier, Verizon NH requests that each such Carrier also provide responsive information as noted in the request. If a particular request does not apply to a given Carrier, please simply note "not applicable."

bear notations, marginal comments or other markings that differentiate such copies from the original.

- C. “Identify” or “identity” when used in connection with (1) a natural person means to state the person’s name, employer and business address; (2) a corporation or other business entity means to state the name of the entity, “d/b/a” designation if any, address of its principal place of business, and address of its principal place of business in New Hampshire; (3) a document means to state a description, including name of author, date and addressee(s); and (4) a communication means to state a description, including participants, date and contents of the communication.
- D. The term to “state the basis” for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefor, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.
- E. The word “you” or “your” means the party responding to these questions.
- F. In the event that documents containing the exact information requested do not exist, but documents do exist that contain portions thereof or which contain substantially similar information, then the definition of “documents” which are to be identified shall include the documents that do exist.
- G. These requests shall be deemed continuing so as to require further and supplemental responses if the responding party or its witness receives or generates additional information within the scope of these requests between the time of the original responses and the end of hearings in this proceeding.
- H. If the responding party feels that any request is ambiguous, please notify Verizon NH so that the request may be clarified prior to the preparation of a written response.
- I. For purposes of these requests, the term “local” means calls between points located within the same local or extended local service area (as traditionally defined by the New Hampshire Public Utilities Commission and as depicted in Verizon tariff NHPUC No. 83) and “toll” means calls that are not local or use non-geographic service access codes (e.g., 8YY, 900, 976, 950, 940, 700, 550, 500, etc.).

## INFORMATION REQUESTS

1. Provide (as to BayRing) copies of all documents referenced in Attachment A to BayRing's April 28, 2006 Petition and (as to any other Carrier) any like documentation between the Carrier and Verizon NH regarding billing disputes for the disputed charges at issue in this proceeding.
2. With respect to paragraph 8 of the April 28, 2006 BayRing Petition, please provide copies or lists of call records over the past 2 years where you (as to BayRing and any other Carrier) alleges TTS rates as opposed to intrastate switched access rates should apply, not including "local" calls regarding which the parties have agreed to adjust and apply TTS rates. The call records or lists should contain but need not be limited to the calling party NPA-NXX, the called party NPA-NXX and, if the called party number is LNP ported, the ported NPA-NXX of the call.
3. Provide (as to BayRing) copies of all bills rendered to you (see Attorney Geiger comments, July 27, 2006 prehearing conference) in instances where you claim that you have been billed TTS rates for some calls to wireless customers in the past. As to all other Carriers, please similarly provide copies of like bills if you also so claim.
4. In paragraph 8 of the April 28, 2006 BayRing Petition it states that calls terminating on a wireless carrier's network that originated from a BayRing customer, using Verizon NH tandem switching and facilities for the transport and delivery of such call to the wireless carrier, is not switched access. If the NXX of the (BayRing and any other Carrier) customer and NXX of the wireless carrier are assigned to rate centers that are not within the same local service area (as traditionally defined by the New Hampshire Public Utilities Commission and as depicted in Verizon tariff NHPUC No. 83), would this be a switched access call? If not, please state the basis for your claim and identify state and/or federal regulatory rulings or statutory citations relied on to support the claim that such usage is not subject to access charges.
5. In paragraph 9 of the April 28, 2006 Petition, BayRing references traditional industry practices relating to access charges. Provide copies of all such relevant industry practices, other than Verizon's applicable tariffs (or an Interconnection Agreement), which BayRing and any other Carrier is relying on in making or in support of this claim.
6. Regarding paragraph 9 of the April 28, 2006 BayRing Petition, provide all documents, analyses or other supporting material that supports your (BayRing's and any other Carrier's) claim that Verizon New Hampshire's intrastate switched access CCL rate element is designed to primarily recover the costs of a local loop. Provide such documents for the intrastate access charges only.

7. Please provide any order issued by the New Hampshire Public Utilities Commission determining that the CCL charge is designed to primarily cover the costs of a local loop.
8. At to Carriers operating or once operating under an interconnection agreement with Verizon NH, provide copies of any current and prior interconnection agreement(s) with Verizon NH, as applicable, showing a past practice of how wireless calls are or were to be rated under the contract.
9. With respect to the request in item #4 above, please specify (as to BayRing and any other Carrier) the type of charges that would be billed to the end-user making such a call, and cite the tariff, price/rate sheet or customer contract authority for the applicable end-user charges.
10. As a competitive local exchange carrier ("CLEC") do you make use of any direct trunk groups between your switch(es) and any CMRS provider(s) to receive local calling traffic originated from CMRS end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
11. As a CLEC do you make use of any direct trunk groups between your switch(es) and any CMRS provider(s) to originate local calling traffic from your end-users terminating to CMRS end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
12. As a CLEC do you make use of any direct trunk groups between your switch(es) and any independent telephone company-ILEC(s) ("ITC-ILECs") to receive local calling traffic originated from ITC-ILEC end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
13. As a CLEC do you make use of any direct trunk groups between your switch(es) and any ITC-ILEC(s) to originate local calling traffic from your end-users terminating to ITC-ILEC end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
14. As a CLEC do you make use of any direct trunk groups between your switch(es) and any other CLEC(s) to receive local calling traffic originated from other CLEC end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
15. As a CLEC do you make use of any direct trunk groups between your switch(es) and any other CLEC(s) to originate local calling traffic from your end-users terminating to other CLEC end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.

16. As a CLEC do you make use of any direct trunk groups between your switch(es) and any Verizon NH end-office switch(es) to receive local calling traffic originated from Verizon NH end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
17. As a CLEC do you make use of any direct trunk groups between your switch(es) and any Verizon NH end-office switch(es) to originate local calling traffic from your end-users terminating to Verizon NH end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
18. As a CLEC do you make use of any direct trunk groups between your switch(es) and any CMRS provider(s) to receive toll calling traffic originated from CMRS end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
19. As a CLEC do you make use of any direct trunk groups between your switch(es) and any CMRS provider(s) to originate toll calling traffic from your end-users terminating to CMRS end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
20. As a CLEC do you make use of any direct trunk groups between your switch(es) and any ITC-ILEC(s) to receive toll calling traffic originated from ITC-ILEC end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
21. As a CLEC do you make use of any direct trunk groups between your switch(es) and any ITC-ILEC(s) to originate toll calling traffic from your end-users terminating to ITC-ILEC end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
22. As a CLEC do you make use of any direct trunk groups between your switch(es) and any other CLEC(s) to receive toll calling traffic originated from other CLEC end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.
23. As a CLEC do you make use of any direct trunk groups between your switch(es) and any other CLEC(s) to originate toll calling traffic from your end-users terminating to other CLEC end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
24. As a CLEC do you make use of any direct trunk groups between your switch(es) and any Verizon NH end-office switch(es) to receive toll calling traffic originated from Verizon NH end-users and terminating to your end-users in New Hampshire (see Diagram 1 below)? If so please specify all such direct trunking arrangements.

25. As a CLEC do you make use of any direct trunk groups between your switch(es) and any Verizon NH end-office switch(es) to originate toll calling traffic from your end-users terminating to Verizon NH end-users in New Hampshire (see Diagram 2 below)? If so please specify all such direct trunking arrangements.
26. Identify the factors that you as a CLEC would take into consideration in (and state the basis for) your deciding whether to establish trunking directly to another provider's end-office or IXC POP for the exchange of:
- (a) local traffic
  - (b) intraLATA toll traffic and
  - (c) access toll connect trunks for IXC exchange access traffic.
27. As an interexchange carrier/toll provider ("IXC") do you make use of any direct trunk groups between your switch(es) and any CMRS provider(s) to receive toll calling traffic originated from CMRS end-users and terminating to another carrier's end-users in New Hampshire (see Diagram 3 below)? If so please specify all such direct trunking arrangements.
28. As an IXC do you make use of any direct trunk groups between your switch(es) and any CMRS provider(s) to originate toll calling traffic from another carrier's end-users terminating to CMRS end-users in New Hampshire (see Diagram 4 below)? If so please specify all such direct trunking arrangements.
29. As an IXC do you make use of any direct trunk groups between your switch(es) and any ITC-ILEC(s) to receive toll calling traffic originated from ITC-ILEC end-users and terminating to another carrier's end-users in New Hampshire (see Diagram 3 below)? If so please specify all such direct trunking arrangements.
30. As an IXC do you make use of any direct trunk groups between your switch(es) and any ITC-ILEC(s) to originate toll calling traffic from another carrier's end-users terminating to ITC-ILEC end-users in New Hampshire (see Diagram 4 below)? If so please specify all such direct trunking arrangements.
31. As an IXC do you make use of any direct trunk groups between your switch(es) and a CLEC(s) to receive toll calling traffic originated from the CLEC end-users and terminating to another carrier's end-users in New Hampshire (see Diagram 3 below)? If so please specify all such direct trunking arrangements.
32. As an IXC do you make use of any direct trunk groups between your switch(es) and a CLEC(s) to originate toll calling traffic from another carrier's end-users terminating to the CLEC's end-users in New Hampshire (see Diagram 4 below)? If so please specify all such direct trunking arrangements.
33. As an IXC do you make use of any direct trunk groups between your switch(es) and any Verizon NH end-office switch(es) to receive toll calling traffic originated

from Verizon NH end-users and terminating to a CLEC's end-users in New Hampshire (see Diagram 3 below)? If so please specify all such direct trunking arrangements.

34. As an IXC do you make use of any direct trunk groups between your switch(es) and any Verizon NH end-office switch(es) to originate toll calling traffic from a CLEC's end-users terminating to Verizon NH end-users in New Hampshire (see Diagram 4 below)? If so please specify all such direct trunking arrangements.
35. Identify the factors that you as an IXC would take into consideration in (and state the basis for) your deciding whether to establish trunking directly to another provider's network for the exchange of traffic?
36. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge A*". If AT&T believes it has been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge A* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
37. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge B*". If AT&T believes it has been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge B* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
38. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge C*". If AT&T believes it has been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge C* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
39. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge D*". If AT&T believes it has been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge D* calls, and also provide documentation supporting its claim.

As to all other Carriers, please similarly provide copies of like documentation if you also so claim.

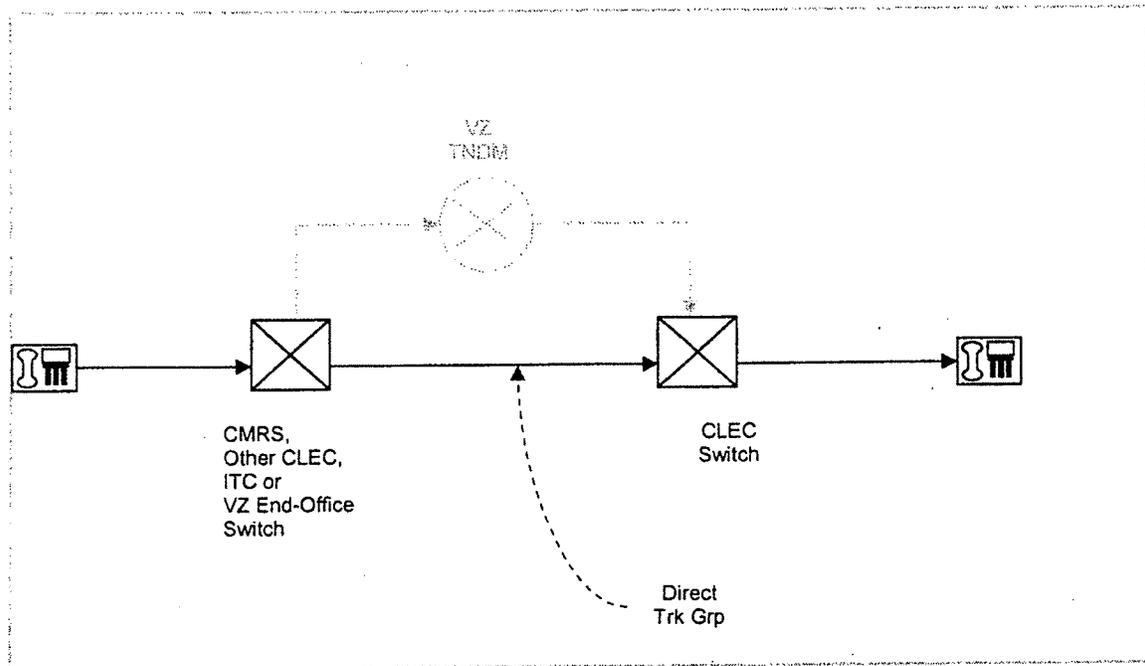
40. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge E*". If AT&T believes it has been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge E* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
41. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge F*". If AT&T believes it has been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge F* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
42. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge G*". If you believe as a CLEC you have been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge G* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
43. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge H*". If you believe as a CLEC you have been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge H* calls, and also provide documentation supporting its claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.
44. In its October 9, 2006 Motion, AT&T alleges Verizon NH improperly charges AT&T an originating CCL, referred to as "*Contested Charge I*". If you believe as a CLEC you have been improperly charged by Verizon NH, please identify any New Hampshire Public Utilities Commission decision supporting its claim that these calls are not switched access service and that it has been improperly charged for *Contested Charge I* calls, and also provide documentation supporting its

claim. As to all other Carriers, please similarly provide copies of like documentation if you also so claim.

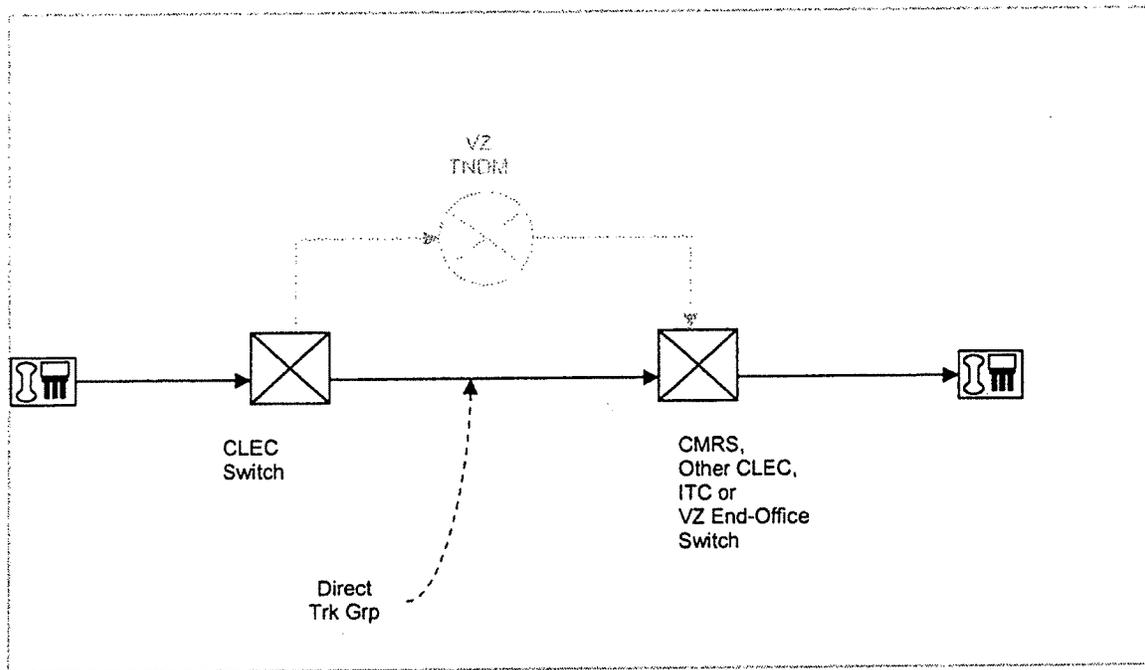
45. Were you or any affiliates or predecessors a party to New Hampshire Docket DE 90-002?
46. When did you or any affiliates or predecessors begin purchasing intrastate switched access service from Verizon NH's or its predecessor's (Bell Atlantic and NYNEX/New England Telephone) New Hampshire Public Utilities Commission approved intrastate access services tariff?
47. When did you or any affiliates or predecessors first become an intrastate toll provider to New Hampshire independent telephone company end-user customers?
48. When did you or any affiliates or predecessors first become an intrastate toll provider to Verizon NH (or its predecessors) end-user customers for calls terminating to New Hampshire Independent Telephone Company and/or CMRS provider end-user customers?
49. When did you or any affiliates or predecessors first become an intrastate toll provider to New Hampshire CMRS provider end-user customers?
50. Was Freedom Ring Communications, LLC d/b/a BayRing Communications or any of its affiliated entities or its LLC member entities or member individuals a party to New Hampshire Docket DE 90-002, including its LLC management team or members who may be affiliated with or have an ownership interest in another entity that was a party?
51. When did you or any affiliates or predecessors first become a local exchange service provider within the State of New Hampshire?
52. Have you been a party to any other state proceeding in which purchasers of intrastate access services have claimed CCL charges were incorrectly applied by a LEC where it is not providing the end-user's local loop? If so please identify where and provide any state commission decision(s) in such proceeding(s).
53. Are you aware of any other state proceeding in which purchasers of intrastate access services have claimed CCL charges were incorrectly applied by a LEC where it is not providing the end-user's local loop? If so please identify where and provide any state commission decision(s) in such proceeding(s).
54. Do you have (or did you have) any responsibility or obligation under your existing (or formerly existing) interconnection agreement with Verizon, if applicable, to establish direct trunks between your network and the network of another ILEC, CLEC, CMRS or IXC provider, as opposed to routing traffic to and from such carriers via a Verizon tandem, in which you rely on Verizon for

transport of traffic that does not originate from or terminate to a Verizon end-user? Please identify and set forth in detail any such responsibility or obligation.

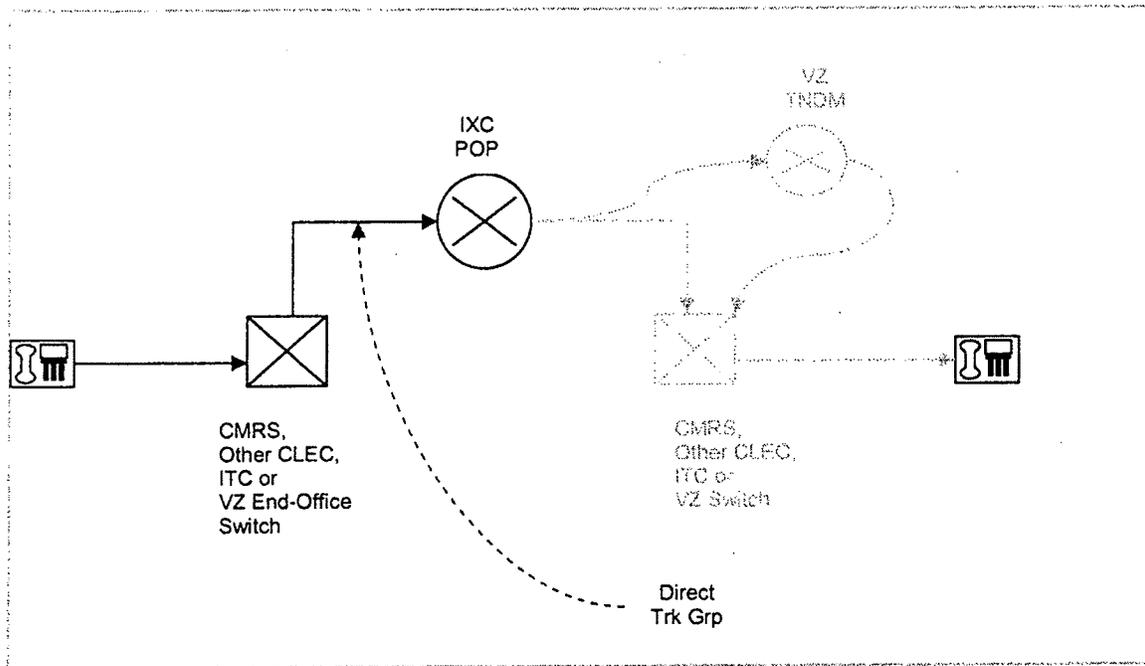
55. With respect to the PUC Staff's Pictograms filed with the Commission on or about December 13, 2006, for diagram number 14, please provide copies of all bills received from Verizon NH showing the disputed charges and call details for "Cellular Tandem Switched" access calls terminating to a Type 2 interconnection in which you allege two segments of tandem switched local transport (tandem to host and host to remote) have been billed.
56. In its July 27, 2006 written prehearing conference preliminary statement (at 10), BayRing asserts that Tandem Transport Service provides for the exchange of local traffic between a TC, and an ITC or other carrier. Do you (BayRing and any other Carrier) contend that calls between NXXs that are not in the same local service or extended local service calling areas represent the exchange of local traffic or, alternatively, the exchange of toll traffic?
57. In reference to request 56 above, if such calls do not represent the exchange of local traffic (and thus are ineligible for Tandem Transport Service) and you maintain that they do not represent switched access traffic, please state the basis for how you classify such traffic and under what type of agreement or tariff is the relevant service provided and paid for?



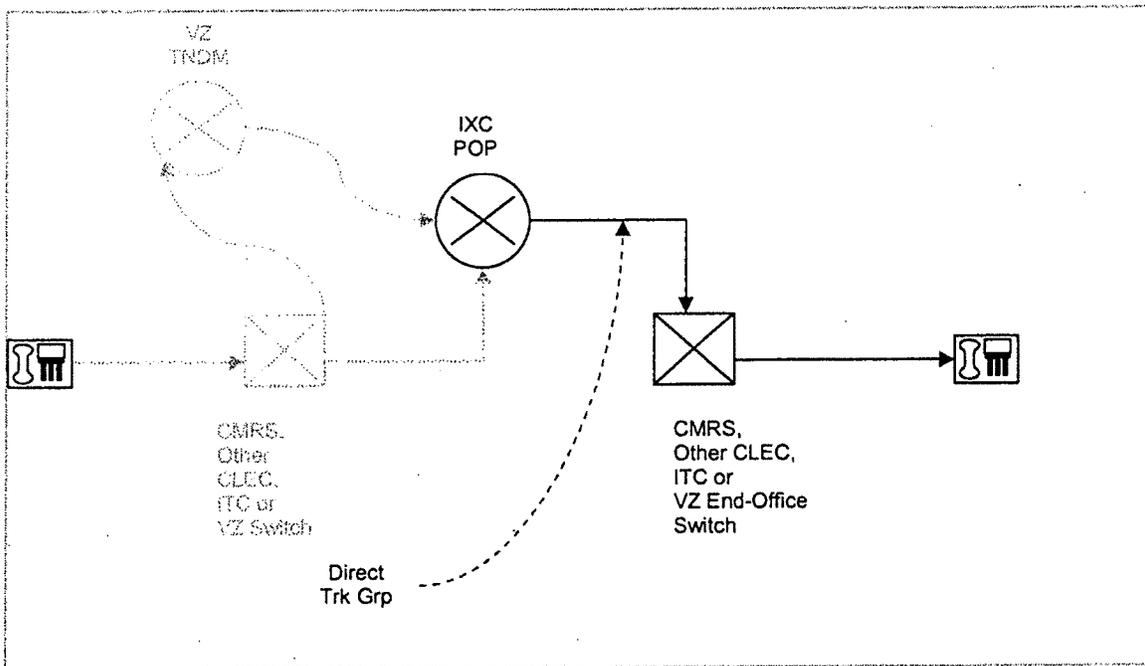
**DIAGRAM 1**



**DIAGRAM 2**



**DIAGRAM 3**



**DIAGRAM 4**

# Orr&Reno

Professional Association

One Eagle Square, P.O. Box 3550, Concord, NH 03302-3550  
Telephone 603-224-2381 • Facsimile 603-224-2318  
www.orr-reno.com

Malcolm McLane  
(Retired)

December 26, 2006

Ronald L. Snow  
William L. Chapman  
George W. Roussos  
Howard M. Moffett  
James E. Morris  
John A. Malmberg  
Martha Van Oot  
Douglas L. Patch  
Connie L. Rakowsky  
Jill K. Blackmer  
James P. Bassett  
Emily Gray Rice  
Steven L. Winer  
Peter F. Burger  
Lisa Snow Wade  
Jennifer A. Eber  
Jeffrey C. Spear  
Connie Boyles Lane  
Todd C. Fahey  
Vera B. Buck  
James F. Laboe  
John M. Zaremba  
Maria M. Proulx  
Phillip Rakhunov  
Jessica E. Storey  
Justin M. Boothby  
Heidi S. Cole

Via E-Mail and First Class Mail

Victor Del Vecchio, Esquire  
Assistant General Counsel  
Verizon New England  
185 Franklin Street, 13<sup>th</sup> Floor  
Boston, MA 02210-1585

Re: Freedom Ring Communications, LLC d/b/a  
BayRing Communications – Complaint Against  
Verizon – NH Re: Access Charges, DT 06-067

Dear Victor:

Pursuant to Admin. Rule Puc 203.09 (g), this letter constitutes BayRing's objections to certain of the information requests propounded by Verizon –NH. The numbers of those information requests and the reasons for the objections are set forth below.

Susan S. Geiger  
Judith A. Fairclough  
(Of Counsel)

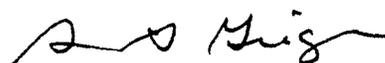
Information Request	Objection
1	BayRing objects to this information request on the grounds of relevance. Documents reflecting billing disputes are not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In addition, BayRing notes that Verizon has access to this information via its internal documentation.

Information Request	Objection
2	<p>BayRing objects to this information request on the ground that it would be unduly burdensome to compile the lists requested. In addition, with respect to the "call records" requested, BayRing objects by noting that these records are in Verizon's possession, not BayRing's. BayRing also objects to this information request on the grounds of relevance. This information request seeks data that is not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. However, without waiving this objection, BayRing can provide illustrative examples of the bills that were based on Verizon's call records regarding the disputed charges.</p>
3	<p>BayRing objects to this information request on the grounds of relevance. This information request seeks data that is not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In addition, BayRing notes that Verizon has access to these records via its internal documentation.</p> <p>However, without waiving this objection, BayRing will provide illustrative examples of the bills requested.</p>
8 & 54	<p>BayRing objects to this information request on the grounds of relevance. This information request seeks data that is not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, interconnection agreements are a matter of public record.</p>
10-35	<p>BayRing objects to these information requests on the grounds of relevance. The extent of BayRing's direct trunking arrangements and the factors that determine the extent of such arrangements are not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7.</p>
45 & 50	<p>BayRing objects to these information requests on the grounds of relevance. Whether BayRing or its affiliates were parties to Docket DE 90-002 is not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, such information is a matter of public record.</p>
46-49, 51	<p>BayRing objects to these information requests on the grounds of relevance. When BayRing or its affiliates first began purchasing intrastate switched access service, or first became an intrastate toll provider, or first became a local exchange service provider within New Hampshire is not relevant to the issue of tariff interpretation. <i>See</i> NH</p>

	PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, such information is a matter of public record.
52 & 53	BayRing objects to these information requests on the grounds of relevance to the extent they seek information relating to access tariffs in other states with language that is different from the tariff that is the subject of this case.
55	BayRing objects to this information request on the ground that it would be unduly burdensome to provide copies of all bills requested. In addition, BayRing objects because it does not have all of the call details requested. Such call details are in Verizon's possession, not BayRing's. BayRing also objects to this information request on the grounds of relevance. This information request seeks data that is not relevant to the issue of tariff interpretation. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. However, without waiving this objection, BayRing can provide illustrative examples of the bills regarding these disputed charges.

Please let me know if you have any questions. Thank you.

Very truly yours,



Susan S. Geiger

cc: Service List

431354\_1



Jay E. Gruber  
Senior Attorney  
Legal Department

AT&T Enterprise Services, Inc.  
Room 420  
99 Bedford Street  
Boston, MA 02111

T: 617.574.3149  
F: 281.664.9929  
jegrubert@att.com

December 26, 2006

VIA E-MAIL AND OVERNIGHT MAIL

Victor Del Vecchio  
Assistant General Counsel  
Verizon New England  
185 Franklin Street, 13<sup>th</sup> Floor  
Boston, MA 02210-1585

RE: Docket No. 06-067, Bay Ring Petition for Investigation into Verizon New Hampshire's Practice of Imposing Access Charges, Including Carrier Common Line (CCL) Access Charges, on Calls Which Originate on BayRing's Network and Terminate on Wireless Carriers' Networks

Dear Victor:

Pursuant to Puc 203.09(g), this letter is to object to Verizon's information requests to AT&T as set forth below:

Information Request	Objection
1	AT&T objects to this information request on the grounds of relevance. Documents reflecting billing disputes are not relevant to the meaning of the tariff. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7 Without waiving this objection, AT&T will provide all documents in its custody and control responsive to this request.
2	AT&T objects to this information request on the grounds that it is predicated on an inaccurate assumption. While AT&T objects to the application of Access Charges in this docket, it takes no position on what other Verizon charges may or may not apply.
3	AT&T objects to this information request on the grounds that it has not made the claim asserted therein.
8, 54	AT&T objects to this information request on the grounds of relevance. Interconnection agreements are not relevant to the meaning of the tariff. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, interconnection agreements are a matter of public record.
10-35	AT&T objects to these information requests on the grounds of relevance. The extent of AT&T's direct trunking arrangements and the factors that determine the extent of such arrangements are not relevant to the meaning of the tariff. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7
45	AT&T objects to this information request on the grounds of relevance. Whether AT&T or its affiliates were parties to Docket DE 90-002 is not

Victor Del Vecchio  
December 26, 2006  
Page 2 of 2

Information Request	Objection
	relevant to the meaning of the tariff. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, such information is a matter of public record.
46-49, 51	AT&T objects to these information requests on the grounds of relevance. When AT&T or its affiliates first began purchasing intrastate switched access service, or first became an intrastate toll provider, or first became a local exchange service provider within New Hampshire is not relevant to the meaning of the tariff. <i>See</i> NH PUC Order No. 24,705 (November 29, 2006) at p. 7.
52-53	AT&T objects to these information requests on the grounds of relevance to the extent they seek information relating to access tariffs in other states with language that is different from the tariff that is the subject of this case.

If you have any questions regarding this matter, please contact me at the address or e-mail above. Thank you.

Sincerely,  
  
Jay E. Gruber

cc: Service List



**Gregory M. Kennan**  
Vice President, Regulatory Affairs  
24 Albion Road, Suite 230  
Lincoln, RI 02865  
401-834-3326 Tel.  
401-834-3350 Fax  
gkennan@onecommunications.com

*Via Electronic and First-Class Mail*

December 26, 2006

Victor D. Del Vecchio, Esq.  
Verizon New Hampshire  
185 Franklin Street, 13<sup>th</sup> Floor  
Boston, MA 02110

Re: BayRing Complaint Re: Access Charges, DT 06-067

Dear Victor:

One Communications' objections to Verizon's first set of data requests are as follows:

<b>Request No.</b>	<b>Objection</b>
1	One Communications objects to this information request on the ground of relevance. Documents reflecting billing disputes are not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006). Without waiving and expressly this objection, One Communications will provide all documents in its custody and control responsive to this request.
2	One Communications objects to this information request on the ground that it is based on an invalid assumption; One Communications does not necessarily claim that any calls at issue in this docket are subject to TTS charges <i>per se</i> .  One Communications further objects to this information request on the grounds of relevance. The requested documents are not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).  One Communications also objects on the grounds of undue burden to produce the requested records.
3	One Communications objects to this information request on the ground that it is based on an invalid assumption; One Communications does not necessarily claim that any calls at issue in this docket are subject to TTS charges.  One Communications further objects to this information request on the

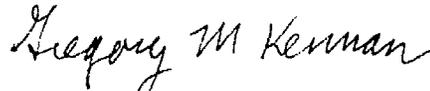
Request No.	Objection
8, 54	<p>grounds of relevance. The requested documents are not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).</p> <p>One Communications also objects on the grounds of undue burden to produce the requested records.</p>
10-35	<p>One Communications objects to these information requests on the grounds of relevance. The contents of interconnection agreements are not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).</p> <p>Without waiving and expressly reserving these objections, One Communications will produce a copy of its interconnection agreement.</p>
36-44	<p>One Communications objects to these information requests on the grounds of relevance. The extent of One Communications' direct trunking arrangements and the factors that determine the extent of such arrangements are not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).</p> <p>One Communications objects to these requests in that they are duplicative of various other requests seeking One Communications' contentions regarding the issues in this proceeding.</p> <p>One Communications further objects on the grounds that "like documentation" is vague and does not reasonably identify the documents that Verizon seeks.</p>
45	<p>One Communications objects to this information request on the grounds of relevance. Whether One Communications or its affiliates were parties to Docket DE 90-002 is not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).</p> <p>Without waiving and expressly reserving these objections, One Communications states that none of its affiliates were parties to the specified docket.</p>
46-49, 51	<p>One Communications objects to these information requests on the grounds of relevance. When One Communications or its affiliates first began purchasing intrastate switched access service, or first became an intrastate toll provider, or first became a local exchange service provider within New Hampshire is not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).</p>

Victor D. Del Vecchio, Esq.  
Re: BayRing Access Charge Complaint, DT 06-067  
December 26, 2006  
Page 3

Request No.	Objection
52-53	One Communications objects to these information requests on the grounds of relevance to the extent they seek information relating to other states' access tariffs the language of which is different from the tariff at issue in this case.
55	One Communications objects to this information request on the grounds of relevance. The requested documents are not relevant to the meaning of the tariff. <i>See</i> Order No. 24,705 at 7 (Nov. 29, 2006).  One Communications also objects on the grounds of undue burden to produce the requested records.

Thank you. Please contact me if you have any questions.

Very truly yours,



Gregory M. Kennan

Cc: Commission Library (paper copy)  
Service List (e-mail)



VIA ELECTRONIC AND FIRST-CLASS MAIL

December 27, 2006

Victor Del Vecchio  
Assistant General Counsel  
Verizon New England  
185 Franklin Street, 13th Floor  
Boston, MA 02210-1585

Re: DT 06-067, Objections of RNK Inc. d/b/a RNK Telecom to Verizon's First Set of Information Requests

Dear Attorney Del Vecchio:

RNK Inc. d/b/a RNK Telecom ("RNK") hereby objects to the following information requests:

<u>Information Request Number(s)</u>	<u>RNK's Objection</u>
8	RNK objects to this information request on the grounds of relevance, to the extent that interconnection agreements are not relevant to the meaning of the tariff. See NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, interconnection agreements are a matter of public record.
10-35	RNK objects to these information requests on the grounds that they are irrelevant. The extent of RNK's direct trunking arrangements and the factors that determine the extent of such arrangements are not relevant to the meaning of the tariff. See NH PUC Order No. 24,705 (November 29, 2006) at p. 7
52-53	RNK objects to these information requests on the grounds of relevance to the extent they seek information relating to other states' access tariffs the language of which is different from the tariff at issue in this case.
54	RNK objects to this information request on the grounds of relevance, to the extent that interconnection agreements are not relevant to the meaning of the tariff. See NH PUC Order No. 24,705 (November 29, 2006) at p. 7. In any event, interconnection agreements are a matter of public record.

If you have any questions regarding these objections, please contact Lynn Castano at (781) 613-6170.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Castano", is written over a light blue horizontal line.

Lynn Castano  
Counsel

STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION

---

Complaint of Freedom Ring Communications, )  
LLC d/b/a BayRing Communications Against ) Docket: DT 06-067  
Verizon New Hampshire re: Access Charges )  
\_\_\_\_\_ )

**VERIZON NEW HAMPSHIRE'S  
EXPEDITED MOTION TO SUSPEND SCHEDULE PENDING  
CONSIDERATION OF VERIZON'S DISCOVERY MOTION**

Verizon New England Inc., d/b/a Verizon New Hampshire ("Verizon NH"), moves the Commission to suspend immediately the procedural schedule in this investigation pending the PUC's resolution of Verizon NH's motion to compel discovery responses filed on January 10, 2007. As grounds for its motion, Verizon NH states as follows.

1. By Order of Notice dated November 29, 2006 (the "*Order*"), the Commission established the following procedural schedule:

Dec. 15, 2006	Discovery served on all parties
Jan. 12, 2007	Discovery responses due from all parties
Feb. 9, 2007	Prefiled testimony from all parties due
Feb. 23, 2007	Discovery served on all parties
Mar. 9, 2007	Discovery responses due from all parties
Mar. 23, 2007	Rebuttal testimony due from all parties
Apr. 6, 2007	Discovery served on all parties
Apr. 20, 2007	Discovery responses due from all parties

2. On December 15, 2006, in compliance with the schedule, Verizon NH served data requests on Freedom Ring Communications d/b/a BayRing Communications, AT&T Communications, Inc., One Communications and RNK Inc. (the “Carriers”).<sup>1</sup>

3. The Carriers have stated their intention not to provide full and complete responses to 41 of the 57 requests propounded by Verizon NH, filing objections on December 26, 2006.

4. On January 10, 2007, Verizon NH filed a motion to compel responses from the Carriers. Discovery responses are otherwise due on January 12, 2007 and initial prefiled testimony is due on February 9, 2007.

5. The information sought by Verizon NH is necessary and appropriate to allow Verizon NH to fully and fairly present its case in this proceeding, and the Carriers’ failure to provide the information will result in a denial of due process without corrective action by the Commission. As Verizon NH’s testimony will be directly affected by the information being sought, Verizon NH requests that the Commission suspend the procedural schedule until this discovery dispute is resolved and the scope of this phase of the adjudicative proceeding is clearly established.<sup>2</sup>

6. The Commission’s rules do not prescribe a standard for consideration of motions to suspend or stay. The rules, however, provide standards for the review of requests to extend time and to postpone a hearing. *See* Puc Admin. Rules 202.04 and 203.13. In light of the practical consequences of suspending these proceedings, namely,

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<sup>1</sup> Otel Telekom Inc. and segTEL Inc. were also served but have not objected to the requests.

<sup>2</sup> Verizon NH represents that it contacted the Carriers and was unable to resolve the discovery dispute. *See* Puc 203.09(i)(4).

an extension of time for the filing testimony and associated discovery, these rules provide guidance on Verizon NH's motion to suspend.

7. Puc 202.04(c) provides that “[t]he commission shall grant a request for an extension if: (1) the party making the request has demonstrated that circumstances would cause undue hardship or inconvenience unless the request were granted; and (2) the extension would not unduly delay the proceeding or adversely affect the rights of any party.” Puc 202.04 also requires, among other things, a written request filed before the expiration of the deadline.

8. Puc 203.13(c), in turn, provides that “[t]he commission shall grant a request for postponement of a hearing if it finds that to do so would promote the orderly and efficient conduct of the proceeding.” That provision similarly requires a written request filed at least seven days before the hearing.

9. Verizon NH will suffer undue hardship or inconvenience unless its request to suspend is granted. Verizon NH has retained a former employee on a consulting basis to assist it with these proceedings. Until the issues of scope and discovery are resolved, Verizon NH may be unable to effectively marshal the services and testimony of its consultant, and, as a result, Verizon NH may incur additional, unnecessary costs, particularly if the Commission's order on Verizon NH's motion to compel requires it to file amended testimony.

10. A suspension of these proceedings pending resolution of Verizon NH's motion to compel would not unduly delay this investigation or adversely affect the rights of any party. In light of the circumstances, the suspension requested by Verizon NH will promote the orderly and efficient conduct of these proceedings. *See* Puc 203.13. For

example, in one recent case where, among other things, the scope of an investigation was in question and a motion to compel discovery had been filed, the PUC twice extended the relevant procedural schedule to “provide the Commission with sufficient time to carefully consider [the] various substantive motions.” See Secretarial Letter dated August 24, 2006, Docket DT 06-072.

11. Verizon NH sought the concurrence of the Carriers regarding the requested relief. The requested parties have not concurred or had not responded as of the time of filing.

Wherefore, Verizon NH respectfully requests the Commission provide on an expedited basis the following relief:

- A. Immediately suspend these proceedings to allow for the Commission’s consideration of the pending Verizon NH motion to compel.
- B. Designate an appropriate Staff member pursuant to RSA 363:17 to hear the parties, report the facts and make recommendations to the Commission as to the disposition of Verizon NH’s discovery motion.
- C. Direct the designated Staff member to arrange an informal discovery conference.
- D. Grant such other relief as is deemed just and appropriate.

Respectfully submitted,

VERIZON NEW ENGLAND D/B/A  
VERIZON NEW HAMPSHIRE

By Its Attorney

By: Victor D. Del Vecchio (S&N)  
Victor D. Del Vecchio  
185 Franklin Street, 13<sup>th</sup> Floor  
Boston, MA 02110-1585  
(617) 743-2323

Dated: January 10, 2007