

THE STATE OF NEW HAMPSHIRE

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June 26, 2009

Re: DT 09-048 IDT America Corporation
Petition for Arbitration of Rates, Terms and Conditions of
Interconnection Agreement with Union Telephone Co.

To the Parties:

On May 1, 2009, Union Telephone Company (Union) filed a motion to dismiss or in the alternative to stay the proceeding in the above referenced matter. On June 1, 2009, by secretarial letter, the Commission adopted the recommendations of the hearings examiner as set out in her report of May 20, 2009 and denied Union's motion to dismiss or stay the proceedings.

On May 29, 2009, Union filed a second motion to dismiss to which IDT America Corporation (IDT) responded on June 8, 2009. On June 11, 2009, Union filed a second motion to stay. By Secretarial letter dated June 15, 2009, the Commission denied Union's second motion to stay and partially denied Union's second motion to dismiss. The Commission reserved issues of whether IDT is a common carrier and whether IDT seeks interconnection pursuant to 47 U.S.C. § 251(c) until after completion of the arbitration and receipt of findings and recommendations from the arbitrator.

On June 22, 2009, Union filed a letter requesting that the Commission reconsider its decision to delay a decision on certain arguments raised in Union's second motion to dismiss. The Commission has considered the arguments raised in Union's June 22nd letter and has affirmed its decision set out in the June 15th secretarial letter.

Sincerely,

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

Debra A. Howland
Executive Director

cc: Docket File

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Docket #: 09-048 Printed: June 26, 2009

FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),
WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:
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PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY

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