

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: August 13, 2010

AT (OFFICE): NHPUC

FROM: Kate Bailey, Director, Telecommunications *KMB*
SUBJECT: DT 10-137
TO: Commission
Executive Director



On July 21, 2010, the Destek Networking Group (Destek) filed a petition for emergency relief requesting the Commission delay FairPoint's disconnection of Global NAPs that was expected to occur on July 17 (motion). According to the motion, Destek first learned through e-mail notification on July 16, 2010, that FairPoint would be shutting off interconnection trunking to Global NAPs on July 17. Destek requested that it be given more time to port its numbers to another provider in order to avoid disruption of service to Destek's customers.

On Friday, July 16, 2010, after receiving the e-mail notice, Destek's attorney contacted Staff, identified the issue, and asked for assistance. Staff asked FairPoint not to implement the termination of services to Global NAPs over the weekend and FairPoint agreed to take no action on Saturday, July 17. Staff advised Destek's attorney that Destek should immediately choose a new carrier and migrate its services.

On Monday, July 19, 2010, Staff also received e-mail from another Global NAPs customer similarly asking for more time to port its 1500 numbers. That customer reported the next day that its numbers had been successfully ported to another carrier. Staff has not heard from any additional Global NAPs customers.

On July 23, 2010, FairPoint advised the Commission that it would delay the disconnection date until July 29, 2010, to avoid undue inconvenience to New Hampshire residents, if Destek agreed to withdraw its motion. The motion has not been withdrawn.

On July 30, 2010, FairPoint filed an objection to Destek's motion. In its objection, FairPoint pointed out that it had continued to allow Destek's end user customers to originate traffic through Global NAPs in order to avoid disrupting Destek's business operations, despite the fact that Destek was not a customer of FairPoint, and the expectation that FairPoint will not be compensated by Global NAPs for the service. In its objection, FairPoint agreed to delay the disconnection of Global NAPs until August

16, 2010, thus giving Destek more than 30 days from the date it learned of the disconnection to migrate its service.

FairPoint has been very reasonable in accommodating Destek. When a CLEC discontinues its operations, NH Admin Rule Puc 431.14 (c) requires the CLEC to provide a customer migration period of at least 30 days if the carrier has fewer than 500 customers. Based on information provided by Global NAPs, Global NAPs has fewer than 500 customers. Because of FairPoint's voluntary action, Destek, Global NAPs' customer, will have had more than 30 days to migrate its service as of August 16, 2010.

Accordingly, Staff recommends the Commission either deny Destek's motion for emergency relief, because as of August 16, 2010, Destek will have had an opportunity to migrate its service, consistent with the period required by our administrative rules, or take no action and allow FairPoint to completely disconnect Global NAPs on August 16, 2010, as scheduled.