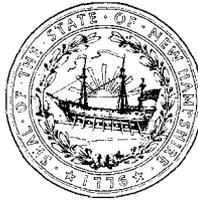


THE STATE OF NEW HAMPSHIRE

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September 20, 2010

Re: DT 10-137, Northern New England Telephone Operations, LLC  
d/b/a FairPoint Communications, NNE  
Petition for Authority to Disconnect Global NAPs  
Docket Closure

To the Parties:

On August 13, 2010, Staff filed a memorandum outlining the chronology of events regarding a motion filed by Destek Networking Group (Destek), a customer of Global NAPs, for emergency relief regarding FairPoint's impending disconnection of service to Global NAPs. Global NAPs, a competitive local exchange carrier in the State of New Hampshire, is now in receivership. In its memorandum, Staff also chronicled efforts by FairPoint and Staff to accommodate Destek's need to migrate customers to a new carrier. On August 19, 2010, Staff filed a memorandum recommending that Docket No. DT 10-137 be closed. In its August 19 memorandum, Staff noted that the controversy at issue in the docket had been mooted, since FairPoint, pursuant to the terms of its Interconnection Agreement (ICA) with Global NAPs, had terminated service to Global NAPs with respect to collocation facilities, SS7 links, and interconnection trunks under the ICA.

On August 24, 2010, Destek filed a letter with the Commission questioning the process through which Global NAPs had been disconnected and, as a consequence, through which Destek had been required to switch its customers from Global NAPs to another service provider. Destek suggested that Global NAPs had not followed proper notification procedures in accordance with Commission rules, and that the Commission itself had not ensured that Global NAPs provided such notification. Destek also noted that the company and its attorney had not been notified that FairPoint was filing a special contract concerning its provision of service to Destek, and, further, that FairPoint should not have taken any disconnection action while Destek's motion for emergency relief was still pending before the Commission. Finally, Destek suggested the Commission conduct a review regarding how Destek's situation in this proceeding was handled.

On August 25, 2010, FairPoint filed a response, clarifying and correcting a number of points made by Destek in its letter, including the fact that Destek had had ample constructive notice of Global NAPs' impending disconnection, that FairPoint had stayed its termination of Global NAPs' interconnection for over thirty days from the date Global NAPs itself had advised Destek of the expected disconnection, and that FairPoint had

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September 20, 2010

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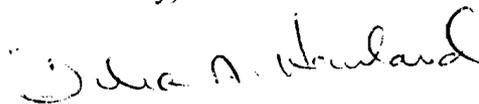
provided a fully executed copy of the special contract to Destek prior to its being filed with the Commission. (A "Special Contract" filing with the Commission typically also includes confidential cost basis information, which would not normally be shared with the customer and was not in this instance.)

Upon review of the various filings in this proceeding, the Commission agrees that Destek had ample notice of FairPoint's intent to disconnect Global NAPs, not only through publication of the Order of Notice and notice from Global NAPs itself in this proceeding, but also through the various publications issued in Docket No. DT 08-028 concerning TDS Telecom's petition to disconnect service to Global NAPs for non-payment of intrastate access services rendered. As noted by both Staff and FairPoint, Destek had received notice directly from Global NAPs on July 16, 2010, that disconnection was expected to occur, and FairPoint had delayed disconnection 38 days to accommodate Destek's concerns.

Given the adequacy of notice and Staff's efforts to work with all parties to accommodate Destek's concerns, we find that the steps undertaken by Commission Staff and FairPoint fell well within the expectations set forth in our rules. Finally, we note that FairPoint's August 23 disconnection of services to Global NAPs occurred pursuant to the terms of the ICA in effect between the two companies. Specifically, FairPoint invoked its right to disconnect after Global NAPs failed to provide financial assurances in accordance with the ICA. As we informed the parties by secretarial letter dated July 16, 2010, the dispute between FairPoint and Global NAPs under their ICA did not require Commission involvement, as Global NAPs could have avoided disconnection by providing the requested assurances and provided no reason why it could not do so.

Staff has suggested that FairPoint's disconnection of services to Global NAPs pursuant to the ICA moots the controversy raised in Docket No. DT 10-137 by FairPoint's petition to disconnect for nonpayment of intrastate access services. It appears, therefore, that there is no need to take action on the initial petition or the pending motions for relief and objections thereto. Upon query by Commission General Counsel, neither FairPoint nor Global NAPs objected to the closing of this docket. We therefore close Docket No. DT 10-137 without prejudice to the recovery of attorney fees, as proposed by Staff in its August 19 memorandum.

Sincerely,



Debra A. Howland  
Executive Director