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PAUL D. SHEEHEY (1919-2004)

July 18, 2011

Mrs. Susan Hudson, Clerk
VERMONT PUBLIC SERVICE BOARD
112 State Street, Drawer 20
Montpelier, VT 05620-2701

RE: Docket No. 7506: Petition of FairPoint re Adoption of SMP/WPP
Docket No. 7539: Petition of FairPoint re PAP Modifications

Dear Ms. Hudson:

By this letter, FairPoint responds to the motion of the One Communications and Sovernet ("CLECs") for consolidation of the procedural schedules in the above-captioned matters. Contrary to the CLECs' claims, the Docket 7539 determination of the appropriate dollars at risk under the PAP does not require an extensive analysis into past performance nor a review of all other issues associated with the PAP, such as metrics, standards, scoring system and overall structure. The attached filing by FairPoint with the Maine Public Utilities Commission addresses these issues in more detail.

For the same reasons, consolidation is unnecessary to conserve resources, because the two dockets relate to two entirely separate issues; Docket 7506 addresses a complete replacement of the C2C and PAP, whereas Docket 7539 deals only with a revision to a single aspect of the current PAP. In addition, the CLECs' proposed schedule, which provides for hearings almost a year from now and provides no indication when the cases would be ready for decision, is completely unrealistic. FairPoint filed its requests in each docket almost four months ago and filed testimony in each docket over two months ago.

Simply put, the CLECs have not demonstrated any basis for delaying the Board-approved schedule in Docket 7506. With respect to Docket 7539, the Board has not responded to FairPoint's requested schedule, which was filed on April 25. Due to the passage of time, FairPoint now proposes the following schedule in that docket:

Data Requests on FairPoint
Responses to Data Requests

July 27, 2011
August 19, 2011

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Respondent Direct Testimony	September 2, 2011
Data Requests on Respondents	September 14, 2011
Responses to Data Requests	October 5, 2011
Hearing	October 18, 2011

As indicated in the attached filing in Maine, however, FairPoint would support the attached schedule for both dockets in all three states, if (1) the resolution of Docket 7539 (and the corresponding cases in New Hampshire and Maine) is retroactive to March 31, 2011, (2) the dockets are consolidated only for purposes of the schedule (because Docket 7506 is an uncontested case whereas Docket 7539 is a contested case), and (3) all CLEC parties participate in a joint motion requesting that New Hampshire lift the stay of the dollars at risk proceeding.

Very truly yours,

SHEEHY FURLONG & BEHM P.C.


Peter H. Zamore

PHZ/mgt
Enclosure
cc: Docket 7506 Service List
Docket 7539 Service List

PSB Docket No. 7506 – Service List

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