

DT 11-061



ATTORNEYS AT LAW

October 4, 2013

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**BY HAND DELIVERY AND EMAIL**

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

Re: DT 11-061; Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE Petition for Approval of Simplified Metrics Plan and Wholesale Performance Plan

Dear Ms. Howland:

This letter is submitted on behalf of Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (“FairPoint”) and the CLEC Parties,<sup>1</sup> pursuant to the third ordering clause of the Commission’s Order No. 25,560, dated August 5, 2013 in the subject proceeding. In that Order, the Commission directed the parties, either jointly or separately, to file with the Commission a written report regarding the status of their negotiations, the issues that remain to be resolved, and the anticipated timing for completion of their negotiation and settlement process.

We wish to report that FairPoint and the CLEC Parties have reached agreement on a majority of issues and are in the final stages of drafting a proposed three-state Wholesale Performance Plan (“WPP”) as well as a stipulation and settlement (“WPP Agreement”) memorializing FairPoint and the CLEC Parties’ agreements on these issues. However, FairPoint and the CLEC Parties also wish to report that although negotiations continue, no final agreement has been reached on the following outstanding issues:

<sup>1</sup> Choice One of New Hampshire, Inc., Conversent Communications of New Hampshire, LLC, CTC Communications Corp, and Lightship Telecom, LLC, which do business as EarthLink Business (“EarthLink Business”); Freedom Ring Communications LLC d/b/a BayRing Communications; Comcast Phone of New Hampshire, LLC; Biddeford Internet Corporation, d/b/a/ Great Works Internet; CRC Communications LLC d/b/a/ OTT Communications, and National Mobile Communications Corporation d/b/a Sovernet Communications.

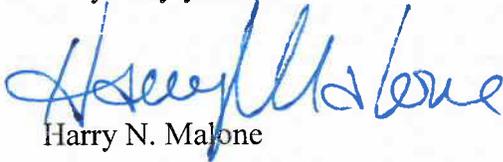
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- a. Terms and penalties for late or inaccurate monthly reports;
- b. Change of law provisions; and
- c. Commercial contract provisions that waive WPP bill credits.

At this point, FairPoint and the CLEC Parties believe that these issues will need to be presented to the Commission for final resolution.

On or before October 11, 2013, FairPoint and the CLEC Parties expect to jointly file the WPP and the WPP Agreement with the Commission for approval and further action concerning the outstanding issues. Similar filings will be made concurrently with the Maine Public Utilities Commission and the Vermont Public Service Board.

Very truly yours,



Harry N. Malone

HNM:aec

Enclosures

cc: Electronic Service List