

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

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

Order Amending Audit Period

ORDER NO. 25,323

January 30, 2012

On May 6, 2011, the Commission issued Order No. 25,221 which concluded, among other things that the Commission would undertake an audit of the Performance Assurance Plan (PAP) of Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (FairPoint). Order No. 25,221 also concluded that the audit would “evaluate performance from July 1, 2010 through June 30, 2011.” *Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE*, Order No. 25,221 (May 6, 2011) at 24.

On January 18, 2012, Staff submitted a memorandum and recommendation (Staff Memorandum) stating that during October and November 2011 the auditors had met with representatives of Staff and FairPoint to clarify the scope of the audit, issue initial data requests, and hold interviews with relevant FairPoint employees. According to the Staff Memorandum, on December 16, 2011, the auditors’ preliminary investigation revealed that while “high level” data may be available for the entire audit period identified by the Commission, and while so-called manual metric data may be available, reliable detailed data relating to FairPoint’s automated metric data was available only after the August 2011 reporting month. The Staff Memorandum

also stated that reliable data relating to the processing of PAP bill credits was only available beginning in the August 2011 reporting month.

In light of the above, the auditors recommended, and Staff supported, amending the audit period to cover January 1, 2011 through December 31, 2011. The Staff Memorandum stated that shifting the audit period would furnish the auditors with five months of data sufficient to perform all key aspects of the audit and align the audit period with the calendar year, which is a more common period for audits of this type. The Staff Memorandum also noted that there would be no repercussions to either the timeline or the budget of the audit as a result of the change. The Staff Memorandum therefore recommended that the Commission alter Order No. 25,221 to change the audit period. On January 19, 2012, the Commission issued a secretarial letter giving notice that any party could respond to the Staff Memorandum by written submission no later than January 26, 2012.

Pursuant to RSA 365:28 the Commission may, at any time, alter or amend a prior order following notice and a hearing. Under the statute, however, a hearing is not required when the order to be altered or amended was made pursuant to a provision that did not require a hearing and a hearing was not, in fact, held. Order No. 25,221 was not issued pursuant to a provision requiring a hearing and no hearing was held. Therefore, a hearing is not necessary to amend Order No. 25,221. Further, the Commission provided notice, via secretarial letter, that any party had the opportunity to respond to the Staff Memorandum. No objections or other responses were received. Because amending the audit period will provide more reliable data and will make the audit period more like other audits of this type, without extending the timeline for producing an

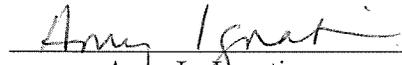
audit report and without increasing the budget, we accept Staff's recommendation that the audit period be amended. Thus, Order No. 25,221 is hereby amended by changing the audit period identified in that order, July 1, 2010 through June 30, 2011, to January 1, 2011 through December 31, 2011.

Based upon the foregoing, it is hereby

ORDERED, that Order No. 25,221 is hereby altered by changing the audit period identified in that order to January 1, 2011 through December 31, 2011.

By order of the Public Utilities Commission of New Hampshire this thirtieth day of January, 2012.


Clifton C. Below
Commissioner


Amy L. Ignatius
Commissioner

Attested by:


Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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