

THE STATE OF NEW HAMPSHIRE

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April 2, 2009

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



Re: DT 07-011 Verizon New England/FairPoint Communications  
April 3, 2009 Status Conference

Dear Ms. Howland:

The OCA has received your letter dated March 30, 2009 in which you describe how the Commission intends to conduct the April 3, 2009 status conference in the above-referenced docket. Specifically, you state that, "The status conference will be conducted in the nature of a legislative hearing." This sentence and those that follow strongly suggest that parties in this docket will not be allowed to question the representatives of the company, or other participants, about "FairPoint's post-cutover transition and its plan to stabilize operations to acceptable levels."

To the extent that our interpretation of your letter is correct, we respectfully disagree with the limitations that the Commission's decision imposes on the parties to this adjudicatory proceeding. Notwithstanding prior requests of the OCA, since the final order approving the transaction there has not been a formal process to monitor compliance with the order and performance of the company. As a result, the OCA's opportunities to adequately represent the interests of FairPoint's residential customers have been limited to receiving compliance filings and a few informal meetings with the Company and Staff. The magnitude of the problems suggested by recent public information calls for the immediate resumption of formal adjudicatory procedures. We understand that your letter indicates that the Commission will determine after the status conference what additional steps are necessary; however, it is our belief that time is of the essence and that it is necessary to get significant amounts of detailed information as quickly as possible from FairPoint, Cap Gemini, and Liberty Consulting to ensure that the Company

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successfully completes cutover, addresses many significant problems, and importantly, stops losing customers.

The OCA is prepared to ask questions within the scope of the Commission's inquiry as set forth in your letter, and we respectfully request the opportunity to do so at Friday's status conference. We request that the Commission require that all information and statements be given under oath and that the conference be recorded. In addition, we request that the Commission require the attendance of appropriate individuals from FairPoint, Cap Gemini and Liberty Consulting. At a minimum, such participants should include:

Gene Johnson

Peter Nixon

Jeff Allen

Mike Haga

Rich Murtha

Steve Rush

Other senior management of FairPoint working on cutover-related issues

Any members of Cap Gemini who are currently working with FairPoint

Any members of Liberty Consulting who have been monitoring cutover.

Lastly, we hope that the Commission will allow members of the public who have been adversely affected by cutover issues to be heard on Friday.

Thank you for your consideration of this letter.

Respectfully,

  
Meredith A. Hatfield  
Consumer Advocate