

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** November 2, 2009

**AT (OFFICE):** NHPUC

**FROM:**  Kate Bailey and Anne Ross

**SUBJECT:** Staff Recommendation on FairPoint's  
Petition for a General Scheduling Order

**TO:** Commissioners

On October 30, 2009, FairPoint filed a petition requesting that the Commission extend mandatory filing and appearance requirements and deadlines between October 26 and November 13, by 21 days and that the Commission establish no new deadlines for effect prior to November 16, 2009. FairPoint's request appears to apply to all pending dockets involving FairPoint including DT 07-011.

The above named Staff have reviewed the status of the following pending dockets involving FairPoint.

Docket No.	Deadline	Notes
DT 06-067	Ruling on Motions Pending	Complaint against VZ/FP
DT 07-011	See attached matrix of required filings	petitioner
DT 08-004	None pending	Rulemaking – comments filed
DT 08-028	Decision pending	intervenor
DT 09-039	None pending	Complaint against FP
DT 09-059	Docket Held in Abeyance	petitioner
DT 09-113	Ruling on Motions to Dismiss or for Summary Judgment pending	petitioner
DT 09-195	Routine Tariff filing	petitioner
DT 09-196	Routine Tariff filing	petitioner
DT 09-202	Routine Tariff filing	petitioner

In addition, the above named Staff have reviewed the specific filing requirements for FairPoint in 07-011 that would be due during the requested period. A copy of the filing requirements is attached to this memorandum. Based upon this review Staff recommends that the Commission grant FairPoint's request in order to allow FairPoint to devote resources to its bankruptcy restructuring efforts.

**DT 07-011**  
**On-Going Monitoring and Event Triggered Reports**

Reference	Description	Frequency	Recipient	Reporting Begins or Is Triggered By	Reporting Expires	Notes
P.8, Sec.2.1.8	Capital Expenditures	Quarterly	Director Telecom	Follows first quarter following close	No expiration	On-going. Report form and content to be approved by the Commission.
P.17, Sec.3.8	Broadband Expansion	Semi-annually	Director Telecom	6 months following close	Until 95% availability achieved	On-going. Report form and content to be approved by the Commission.
P.20, Sec.5.2	Remediation Plan for Service Quality Problems	One-time	Director Telecom	Two service quality measures are at less than 95% of the applicable standard for three consecutive months or at less than 90% of the applicable standard for 1 month.	No expiration	Event-triggered
P.20, Sec.5.2	Resumption of Monthly Staffing Report for Failure to Meet QoS	Monthly	Director Telecom	Two service quality measures are at less than 95% of the applicable standard for three consecutive months or at less than 90% of the applicable standard for 1 month.	Until QoS standards achieved	Event-triggered
P.20, Sec.5.2	Staffing by Function	Semi-annually	Director Telecom	1 year following close	No expiration	On-going
P.20, Sec.6	Financial	Quarterly and Annually	Director Telecom	Follows first quarter following close	No expiration	On-going
P.20, Sec.7	Affiliate Agreements and Arrangements	When Revisions Are Made	Executive Director	As required by statute	No expiration	Statutory
PP. 22-23, Sec. 8.4	Notice of "alternative arrangements"	One-time, conditional requirement	Director Consumer Affairs	If condition precedent is met, notice is required at least 3 months prior to cutover or May 1, 2008, whichever is earlier		This requirement applies only in the event FairPoint fails to secure vendor contracts.
P.26, Sec.10.4	Service Quality Performance	Monthly	Director Telecom	20 days following end of a month	No expiration	On-going

P.27, Sec.10.7.1 (P. 28, Sec. 10.7.6)	Double Pole Inventory and Removal	Quarterly (with monthly status reports, as necessary under Sec. 10.7.6)	Director Telecom	Within 6 months following close	On-going. When double pole inventory is 500 or less, report becomes annual.	If pole removal work is not completed by 7/31/11, FairPoint will submit monthly status reports until Sec. 10.7.1 is satisfied.
P. 31, Sec. 10.8.2.1	Proposed remediation plan re: service quality limits on business acquisitions	Optional, one-time filing	Director Telecom	At FairPoint's option, any time after second anniversary of close		Prior to submitting a proposed plan at its own option, FairPoint will file a draft plan for Staff review.
P.33, Sec.12.2.1	Notice of Transfer of Single Class of Assets Exceeding \$5 Million	Quarterly	Director Telecom	When single class of assets exceeding \$5 million is transferred	No expiration	Event-triggered
Exhibit 3, Sec. 3.7	Report of investigation and corrective action re: customer trouble report standards		Director Telecom	30 days following third consecutive month metrics exceed the standard		For surveillance purposes, this requirement applies only to the extent a wire center is not covered by the Network Improvement Plan under Section 10.2 of the settlement agreement.



**DT 07-011**  
**Compliance Filings**

Reference	Description	Frequency	Recipient	Reporting Begins	Reporting Expires	Notes
P.12, 2.5.3	\$50 million infrastructure plan	One-time (with updates as appropriate)	Executive Director	Within 1 year of close	Initial plan filed; updated as appropriate	Review and approval process to be determined by Commission if necessary
P.19, Sec.5.1	Staffing Status	Monthly	Director Telecom	30 days following close	Upon creation of full staffing efforts	
P. 22, Sec. 8.3	Proposed retail billing format	One-time	Director Consumer Affairs	Earlier of 3 months prior to cutover or May 1, 2008		Filed for Staff review purposes
P. 24, Sec. 9.2	Commercial Agreements under Section 217 of the Telecom Act	Upon conclusion of any agreement that falls under this section	Director Telecom	After close		After 3 years, FairPoint may petition for a waiver
P.25 Sec.9.5	Status Report on Assembling Pole Licensing and Administration Group	Monthly	Director Telecom	1 month after close	Upon creation of Pole Licensing and Administrative Group	
P.25, Sec.10.1	Progress on Network Improvement	Monthly	Director Telecom	1 month after close	Until full Network Improvement Plan is filed	
P.26, Sec.10.2	Network Improvement Plan	One-time	Executive Director	Earlier of 3 months following cutover or August 1, 2008	Filed once	
P.27, Sec.10.7.1	Double Pole Inventory and Detailed Work Plan	One-time	Director Telecom	Within 6 months following close	Filed once	
P.33, Sec.12.2.1	Asset Transfer Schedule Form	One-time	Director Telecom	After close	Filed once	Commission approval as to form and content if agreement not reached

**DT 07-011**  
**Reports Requiring Adjudicative Process**

Reference	Description	Frequency	Recipient	Reporting Begins	Reporting Expires	Notes
P.13, 2.7	Final Credit Agreement	One-time	Executive Director ( <i>in camera</i> )	No later than 10 calendar days before close	Filed once	Adjudicative only upon Commission <i>in camera</i> determination
P.13, 2.8	Near-final description of notes	One-time	Executive Director ( <i>in camera</i> )	No later than 2 business days after final order	Filed once	Adjudicative only upon Commission <i>in camera</i> determination
P.15, 3.6	Plan to spend remainder of \$56.4 million on broadband if 95% availability has been achieved	One-time	Executive Director	62 months from close	Filed once	Requires Commission review and approval
P.20, Sec.7	Proposed Cost Allocation Manual (including budget pro-forma of 2008 charges to and from: affiliates, 3-state operation, and individual states)	One-time	Executive Director	Within 6 months following close	Filed once	Requires Commission review and approval