

**FairPoint Communications, Inc.
State of New Hampshire
Docket No. DT 07-011**

Respondent: Peter G. Nixon
Title: Chief Operating Officer

REQUEST: BayRing, segTEL and Otel – CLECs
Group III, Set 1

DATED: April 5, 2007

ITEM: CLEC 1-3 Please admit or deny that post-merger Fairpoint will not meet the definition of a Regional Bell Operating Company and will not be subject to section 271 of the Telecommunications Act. Please explain in detail the basis for any denial.

REPLY: **OBJECTION:** FairPoint objects to Data Request 1-3 on the grounds that it seeks a legal conclusion. [Objection served April 27, 2007.]

FairPoint's newly acquired subsidiary, Telco, should not be treated as a BOC in operating local exchanges acquired from Verizon New England. Under the Telecommunications Act of 1996 (the "Act"), a BOC is one of the enumerated twenty companies that were BOCs at the time of the enactment of the Act, as well as "any successor or assign of such company that provides wireline exchange service." Telco is not a successor or assign of Verizon New England (which is a BOC), and it should therefore not be subjected to the requirements placed on BOCs. Additionally, neither precedent nor policy considerations indicate that the Federal Communications Commission should classify Telco as a BOC. Therefore, neither FairPoint nor its subsidiaries should be subject to section 271 of the Telecommunications Act.

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Respondent: Michael Haga
Title: Director of Billing and
Operations Support Systems

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DATED: April 5, 2007

ITEM: CLEC 1-23 Will CLECs be required to develop new systems and interfaces to be able to access the new Fairpoint systems? Please identify any changes that CLECs will have to make to their processes, procedures and systems related to preordering, ordering, provisioning, maintenance and repair, and billing. How will the costs incurred to make these changes be recovered?

REPLY: FairPoint has not yet developed or acquired its successor systems and cannot respond to the request. We understand that a majority of CLECs use Verizon's web access to submit and track orders for the services we intend to provide. FairPoint's successor system should cause no changes to CLECs' systems but may somewhat alter their processes and procedures. For those CLECs that transmit orders via a FAX or e-mail, the same will hold true after closing. FairPoint will give particular attention to providing equivalent functionality where Verizon has provided for an electronic gateway (e-bonding) specific for a CLEC.

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ITEM: CLEC 1-28 Please describe in detail the “set of tools” that Fairpoint witness Haga describes CLEC customers will have to facilitate their interaction with Fairpoint to ensure they receive an “appropriate level of service”. What is the appropriate level of service that Fairpoint endeavors to provide to CLECs?

REPLY: **OBJECTION:** FairPoint objects to Data Request 1-28 on the grounds that it is vague. Subject to and without waiving this objection, FairPoint will provide information responsive to Data Request 1-28. [Objection served April 27, 2007.]

CLECs will be provided a web-based and/or electronic bonding application where they can enter their requests for Local and Access services. FairPoint will provide non-discriminatory service to its wholesale customers.

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ITEM: CLEC 1-29 At page 15 of his testimony, Mr. Haga states that CLECs will have access to electronic and manual/telephonic interfaces so that the customer will have a choice of methods. Please describe in greater detail what these electronic and manual/telephonic interfaces are and how CLECs will obtain access to them.

REPLY: FairPoint will provide an “electronic” interface in 2 forms. One is a web-based application and the other is defined as electronic bonding. CLECs will obtain access to the web based application through their internet browser using a secure connection. Electronic bonding access would be made available on a case-by-case basis. The “manual/telephonic” interface is simply a fax or e-mail, as it exists today.

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ITEM: CLEC 1-49 Does Fairpoint support forbearance petition before the FCC in WC
Docket No. 06-172 in so far as it applies to wire centers in Stafford and
Rockingham counties in New Hampshire?

REPLY: **OBJECTION:** FairPoint objects to Data Request 1-49 on the grounds
that it seeks a legal conclusion. [Objection served April 27, 2007.]

FairPoint takes no position with regard to this petition.