



February 8, 2007

VIA OVERNIGHT UPS AND ELECTRONIC MAIL

Debra A. Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
21 S. Fruit St.
Suite 10
Concord, NH 03301-2429



Re: DT 06-067, Request of RNK Inc. d/b/a RNK Telecom for Withdrawal of its Intervention

Dear Secretary Howland:

On July 12, 2006, pursuant to the Order of Notice¹ issued in Docket DT 06-067, RNK Inc. d/b/a RNK Telecom petitioned the Commission for leave to intervention in this proceeding. At that time, in its petition, RNK argued that it should be granted intervention (in accordance with N.H. Admin. Rule Puc 203.17 and RSA 541-A:32,I(b)), since there was no other party “adequately represent[ing] the interests of RNK in this proceeding.”²

However, over the past seven months, several other CLEC parties have intervened, many with the same or similar interests as RNK, and also likely with a greater stake in the final outcome. Given this development, as well as the increased breadth of the proceeding’s scope, RNK does not believe that its continued participation is necessary for the PUC to fairly and justly adjudicate the claims of Bayring and AT&T. Unfortunately, the increased scope—and the resulting procedural issues—have caused RNK to reach an internal business decision that the costs and personnel burden of maintaining intervention outweigh the benefits of its continued participation. RNK did not reach this decision lightly, as it has consistently believed that its active participation in PUC proceedings of general interest not only benefit RNK, but also that its contributions have served the interests of all New Hampshire consumers. However, with its interests adequately represented by other parties, and the issues above, at this time, RNK cannot proceed in protracted litigation that may have only a tangential relationship to its core business objectives.

The Commission has broad discretion to grant intervention to a party, and to condition or modify a petition thereto.³ Moreover, RSA 541-A:32,V grants the Commission the authority to “modify the order [granting or denying a petition for intervention] at any time, stating the reasons for the modification.” Most importantly, though, RNK’s withdrawal would not prejudice the claims or defenses of any party, especially since RNK has not raised any claims against Verizon.

¹ NH PUC Docket No. DT 06-067, *Order of Notice* (June 23, 2006).

² *Petition of RNK Inc. d/b/a RNK Telecom for Leave to Intervene as a Party* (July 12, 2006) at 8.

³ RSA 541-A:32,III

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Therefore, for the reasons stated above, RNK respectfully requests that the Commission grant RNK leave to withdraw its intervention in the above-captioned proceeding.

Copies of this letter will be served on all parties in DT 06-067 and the Office of Consumer Advocate. RNK has attempted to gain concurrence with all parties in this litigation. To the extent possible, RNK would still like to remain on a service list. If there are any questions regarding this request, please do not hesitate to contact me at (781) 613-6103, or by electronic mail at dougdb@rnktel.com.

Sincerely,



Douglas S. Denny-Brown
General Counsel/V.P.-Regulatory Affairs

Cc: Service List in Docket DT 06-067 (by email and U.S. Mail)