

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 09-059

ORDER OF NOTICE

On March 26, 2009, Northern New England Telephone Operations, LLC d/b/a FairPoint Communications-NNE (FairPoint) filed with the New Hampshire Public Utilities Commission (Commission) a petition for waiver of certain requirements under the Performance Assurance Plan (PAP) to remove certain FairPoint reporting obligations under the PAP and carrier to carrier (C2C) guidelines, and associated penalties under the PAP.

According to the filing, the PAP and C2C reporting and guidelines were established in the context of Verizon's system capabilities. FairPoint states that, as a result of the implementation of its own systems, it will no longer be able to report the results of certain measures. FairPoint requests a permanent waiver of the reporting requirements and associated penalty requirements for these metrics. FairPoint also submitted a request to the Commission for a temporary one month waiver of the reporting requirements and any associated penalties for eleven specific metrics listed in the request. FairPoint asserts in their request that a waiver may be requested due to situations beyond their control saying that the criteria for such a waiver are met in this case. FairPoint also submits that the circumstances are of an extraordinary nature.

On April 6, 2009, Freedom Ring Communications, LLC d/b/a BayRing Communications (BayRing) filed an objection to FairPoint's petition. BayRing contends, *inter alia*, that FairPoint's petition violates the letter and spirit of the settlement agreement approved by the Commission in Order No. 24,823 and that FairPoint's petition is untimely. BayRing requests that the Commission deny FairPoint's request.

The petition raises, *inter alia*, issues as to whether FairPoint is entitled to waiver of certain reporting requirements and associated penalties established by the performance assurance plan or carrier to carrier guidelines and the relevant requirements in Commission Order No. 24,823. Each party has the right to have an attorney represent them at their own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on July 8, 2009 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, FairPoint, the Staff of the Commission and any Intervenors hold a Technical Session to establish a proposed discovery and procedural schedule; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, FairPoint shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than June 12, 2009, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before July 8, 2009; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to FairPoint and the Office of the Consumer Advocate on or before July 6, 2009, such Petition stating the facts demonstrating how its rights, duties,

privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before July 8, 2009.

By order of the Public Utilities Commission of New Hampshire this eighth day of June, 2009.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

