

STATE OF NEW HAMPSHIRE
Before the
PUBLIC UTILITIES COMMISSION

Petition of FairPoint Communications, Inc. for)	DT 09-113
Waiver of Certain Requirements under the)	
Performance Assurance Plan and Carrier to)	
Carrier Guidelines)	

DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS
COMPANY'S PETITION TO INTERVENE

DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad") petitions to intervene in this proceeding.

Covad is a competitive local exchange carrier ("CLEC") duly authorized to provide such services in New Hampshire. Covad has an interconnection agreement with FairPoint Communications, Inc. ("FairPoint") and leases unbundled network elements, has collocation arrangements, and interconnects with FairPoint in New Hampshire, which enables Covad to provide competitive service alternatives to consumers in New Hampshire.

Covad depends on FairPoint to provide a number of wholesale services to Covad in order to serve its customers or to offer its services to potential customers. When FairPoint's provision of these services falls below standards established in the Performance Assurance Plan ("PAP"), Covad is entitled to receive penalty payments in the form of bill credits under the terms of the PAP.

In its Petition, FairPoint has requested that CLECs be required to repay FairPoint any PAP penalty credits they have received or will receive from FairPoint for its

substandard wholesale performance during the months of March through June 2009. Covad is entitled to penalties under the PAP for the time in which FairPoint seeks waiver or modification of PAP requirements. Therefore, Covad's rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding.

The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing Covad to intervene. The Commission has just opened this docket, and Covad is filing this petition in accordance with the schedule that the Commission established in the July 30, 2009 Order of Notice.

Covad will not be able to participate in the initial Prehearing Conference set in the docket due to schedule conflicts. However, Covad, through the undersigned, requests the opportunity to participate via teleconference bridge in the Technical Conference anticipated to be held after the Prehearing Conference.

For these reasons, Covad requests that it be permitted to intervene.

Respectfully submitted,



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