

# DEVINE MILLIMET

ATTORNEYS AT LAW

August 25, 2009

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**BY HAND DELIVERY**

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



Re: DT 09-113 Northern New England Telephone Operation LLC D/B/A Fairpoint  
Communications- NNE Petition for NNE for Waiver of Certain Requirements  
under the Performance Assurance Plan and Carrier to Carrier Guidelines

Dear Ms. Howland:

Enclosed for inclusion in the record in the above-docketed proceeding is an Affidavit of  
Publication for the Supplemental Order of Notice, which was published in the New  
Hampshire Union Leader on August 19, 2009.

Very truly yours,

A handwritten signature in blue ink that reads "Frederick J. Coolbroth".

Frederick J. Coolbroth

FJC:kaa

Enclosure

cc: Electronic Service List

I hereby certify that the foregoing notice was published in The Union Leader and/or New Hampshire Sunday News, newspapers printed at Manchester, N.H., by the Union Leader Corporation on the following dates, Viz: ..... Aug. 19, 2009 .....

(Signed) ..... Chantal Jesmer .....

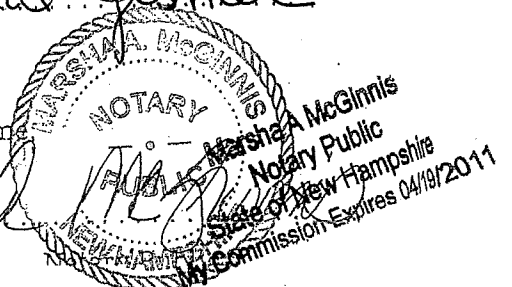
UNION LEADER CORPORATION

State of New Hampshire,  
Hillsborough, SS.

(Dated) ..... Aug. 21, 2009 .....

Subscribed and sworn to by the said ..... Chantal Jesmer .....

Before me  
Marsha A. McGinnis



**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
DT 09-113****SUPPLEMENTAL ORDER OF NOTICE**

On June 10, 2009, Northern New England Telephone Operations, LLC d/b/a FairPoint Communications-NNE (FairPoint) filed with the Commission a petition for waiver of the payment requirements of the Performance Assurance Plan (PAP), or modification thereto, which was made applicable to FairPoint pursuant to Verizon New England, Order No. 24,823 in docket No. DT 07-011 (February 25, 2008), approving Verizon New England's transfer of assets to FairPoint. Specifically, FairPoint requested relief from the payment of PAP bill credits to competitive local exchange carrier (CLEC) customers for the months of March through June 2009. On July 30, 2009, the Commission issued an Order of Notice in this docket scheduling a prehearing conference on August 13, 2009.

On August 7, 2009, FairPoint filed a supplement to the petition for its waiver request. Rather than the relief requested in the June 10 petition, FairPoint, in its supplemental filing, requested a modification to the PAP to reduce the total dollars at risk by approximately 65 percent, to \$29.96 million across the Northern New England states, effective as of January 1, 2009.

The August 13, 2009 prehearing conference was held as scheduled with General Counsel F. Anne Ross presiding. Following a technical session among the Parties and Staff, on August 14, 2009, Staff filed a report in which it recommended the Commission issue a supplemental order of notice on FairPoint's updated petition, decide the matter on the papers unless a request for a hearing is filed and approve the agreed upon a proposed procedural schedule, as follows:

FairPoint to file supplemental information and materials: August 18, 2009; Deadline for petition's to intervene and requests to adjust procedural schedule: August 24, 2009; Data Requests due: August 25, 2009; Responses to Data Requests due: September 1, 2009; Prehearing Conference and Technical Session: September 3, 2009 at 1:30 p.m.; Briefs due (with affidavits, if necessary): September 22, 2009; Reply Briefs due: September 29, 2009.

The supplemental filing raises, inter alia, issues related to RSA 365:28 and whether a modification of the PAP, reducing the total dollars at risk, is appropriate and reasonable. Each party has the right to have an attorney represent them at their own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the proposed procedural schedule is approved unless otherwise ordered; and it is

**FURTHER 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 September 3, 2009 at 1:30 p.m., at which each party will provide a preliminary statement of its position with regard to FairPoint's August 8, 2009 supplemental filing 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 for discovery purposes and to adjust the procedural schedule if requests are received from additional intervenors, 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 August 19, 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 August 27, 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 August 24, 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:32,1(b); and it is

**FURTHER ORDERED**, that any party who has moved to intervene may submit data requests consistent with the approved procedural schedule; and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before August 27, 2009.

By order of the Public Utilities Commission of New Hampshire this fourteenth day of August, 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.  
(UL Aug. 19)