

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7506

Petition of Telephone Operating Company of)
Vermont LLC, d/b/a FairPoint Communications,)
for waiver of certain requirements under the)
Performance Assurance Plan and Carrier to)
Carrier Guidelines)

Order entered:

11/9/2012

PROCEDURAL ORDER RE: SETTLEMENT AGREEMENT

On October 23, 2012, Telephone Operating Company of Vermont LLC ("FairPoint"), and National Mobile Communications Corp., Earthlink Business (successor to One Communications) and Comcast Phone of Vermont, LLC ("the CLEC Parties") (together, "the Parties") filed a Settlement Stipulation between the parties in the above-referenced Docket. Under the Settlement Stipulation, the parties thereto support replacement of FairPoint's existing Carrier to Carrier Plan ("C2C") and Performance Assurance Plan ("PAP") with a simplified PAP with the characteristics described in the Settlement Stipulation. In addition, the Settlement Stipulation identifies most of the metrics to be included in the simplified PAP and identifies other metrics, as well as other issues, as to which there is no agreement. The parties to the Settlement request that the Board approve it expeditiously.

On November 6, 2012, I convened a Status Conference to establish a process for review of the Settlement Stipulation. After some discussion, FairPoint proposed the following process, which I adopt:

- Parties shall submit comments on the Settlement Stipulation by November 20, 2012.
- If no comments are submitted, or no party raises issues, the Hearing Officer will prepare a Proposal for Decision.
- If a party raises a legal issue, the Hearing Officer will schedule an oral argument and, if needed, provide an opportunity for parties to submit briefs, and then proceed with resolution.

- If a party raises a factual issue, the party must demonstrate that the factual issue raises a genuine issue of material fact (employing a standard similar to a summary judgment motion under Rule 56 of the Vermont Rules of Civil Procedure). If a genuine issue is raised, the Hearing Officer will determine what further process is needed; if none is raised, the Hearing Officer will prepare a Proposal for Decision.

The Settlement Stipulation, while representing substantial progress, leaves numerous issues for resolution. At this time, the parties are still discussing a process for resolution of these issues and are expected to submit a proposal. I will await that proposal (or a request from a party that I set a schedule) before considering further scheduling.

SO ORDERED.

Dated at Montpelier, Vermont, this 9th day of November, 2012.

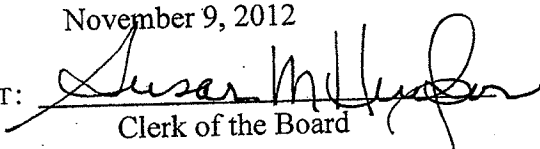
s/George Young
George Young, Esq.
Hearing Officer

A TRUE COPY

OFFICE OF THE CLERK

FILED: November 9, 2012

ATTEST:


Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)