

January 9, 2009

VIA FEDERAL EXPRESS and ELECTRONIC MAIL

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



RE: DT 06-067, Freedom Ring Communications, LLC d/b/a BayRing
Communications - Complaint Against Verizon New Hampshire, re: Access
Charges - Phase 2 - Request of XO Communications for Withdrawal of
Intervention

Dear Ms. Howland:

On behalf of XO Communications ("XO"), I am writing to request permission to withdraw the petition of XO for intervention in the Phase 2 of these proceedings, currently underway.

In an Order dated October 31, 2008, the Commission granted XO's petition to intervene in phase 2 of these proceedings, given that XO's "rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding," citing RSA 541-A:32, I(b). (Order of 10/31/2008 at pg. 9). Consequently, XO attended the technical session held on November 5, 2008, and XO followed up by filing preliminary estimates for the Staff's consideration. However, since these events occurred, XO and Verizon have met informally and have resolved the matters regarding the disputed payments claimed by XO in this proceeding.

For these reasons, XO requests permission to withdraw its petition, which should be granted given that the Commission has broad discretion to modify or amend a petition to intervene pursuant to RSA 541-A:32, III. This request will not prejudice any of the remaining parties, and XO has confirmed that Verizon will not object to this request.

ADLER POLLOCK & SHEEHAN P.C.

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If there are any questions regarding this request please do not hesitate to contact me at 401-274-7200 or at ashoer@apslaw.com.

Thank you for your attention to this request to withdraw XO's petition for intervention.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Alan M. Shoer", with a long horizontal flourish extending to the right.

Alan M. Shoer

CC: Service List – Via E-Mail