



Kimberly J. Gold  
General Attorney  
Legal Department

AT&T Services, Inc.  
675 West Peachtree  
Suite 4300  
Atlanta, GA 30375

T: 404.927-3990  
F: 214-486-8065  
[kg2143@att.com](mailto:kg2143@att.com)

February 16, 2010

**VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY**

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



**Re: BayRing Complaint Re: Access Charges, DT 06-067**

Dear Ms. Howland:

I am writing on behalf of AT&T Corp. ("AT&T") and BayRing Communications ("BayRing") to inform the Commission that FairPoint is continuing to bill AT&T and BayRing Carrier Common Line ("CCL") charges in clear violation of the ordered revised tariff that went into effect on October 10, 2009. AT&T and BayRing have disputed and will not pay these "phantom" CCL charges that FairPoint has no authority to assess.

On August 11, 2009, the Commission issued an Order *Nisi* (Order No. 25,002) directing FairPoint to make a compliance tariff filing to clarify that FairPoint would charge a CCL rate only when a FairPoint common line is used in the provision of switched access services. FairPoint did not object to the Order *Nisi*, and filed the revised tariff pages on September 10, 2009, as ordered. FairPoint also arbitrarily and improperly inserted an additional tariff change in the ordered compliance tariff filing, attempting to resurrect the long-abandoned Interconnection Charge, a change the Commission did not authorize in its Order *Nisi*.

While the revised tariff pages correcting FairPoint's application of the CCL rate pursuant to the Commission's Order *Nisi* took effect on October 10, 2009, the tariff pages where FairPoint unilaterally attempted to reinstate the Interconnection Charge were not effective on that date. Instead, because the tariff pages relating to the Interconnection Charge were never authorized by the Commission, they were suspended from taking effect and currently remain under investigation.



Ms. Deborah A. Howland  
February 16, 2010  
Page 2 of 2

Due to the pending stay of this docket, AT&T and BayRing simply wanted to make the Commission aware that FairPoint continues to bill AT&T and BayRing for CCL charges in violation of the ordered revised tariff that went into effect on October 10, 2009, and that AT&T and BayRing have disputed, will continue to dispute, and will not pay these unlawful "phantom" CCL charges. In addition, BayRing wishes to bring to the Commission's attention that it is unable to follow the dispute resolution process regarding "escalation" of these disputes because FairPoint has informed BayRing that is not accepting disputes or escalations pertaining to CCL charges.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kimberly J. Gold", written over the typed name.

Kimberly J. Gold

cc: Service List (via electronic mail only)

