

March 10, 2011

HARRY N. MALONE, ESQ.
603.695.8532
HMALONE@DEVINEMILLIMET.COM



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 06-067 Freedom Ring Communications, LLC d/b/a BayRing
Communications Complaint Against Verizon New Hampshire Regarding Access
Charges

Dear Ms. Howland:

On August 11, 2009, the Commission issued Order Nisi No. 25,002 in the above captioned docket directing Northern New England Telephone Operations LLC ("FairPoint") to modify its Tariff NH PUC No. 85 ("Tariff 85"). The Order Nisi essentially directed FairPoint to establish via a tariff filing, absent an evidentiary hearing, that FairPoint would charge a carrier common line access charge ("CCL") only when a FairPoint common line is used in the provision of switched access services. This Order became effective on September 10, 2009 by its terms. On October 12, 2009, FairPoint timely filed a Motion for Rehearing of the Order Nisi.

On a separate track in this proceeding, FairPoint complied with the Order Nisi by filing revenue neutral revisions to Tariff 85 on September 10, 2009, revising the service description of the CCL and increasing the interconnection charge. By Order No. 25,016 dated, September 23, 2009, the Commission ordered FairPoint to complete the tariff filing and file testimony in support, suspended the tariff filing for 30 days beginning September 28, and scheduled a hearing for November 4, 2009. BayRing and AT&T filed a joint Motion for Clarification of Order No. 25,016 and further expedited relief on October 2, 2009. On October 12, 2009, FairPoint withdrew the September 10th tariff filing, to the extent that the original tariff filing had not been mandated pursuant to RSA 378:7.

HPUC MAR10'11 PM 3:22

Debra A. Howland
March 10, 2011
Page 2

On October 16, 2009, the Commission issued an order suspending the procedural schedule while it considered the arguments raised in the various parties' motions. Since that time, FairPoint has operated under Tariff 85 as lawfully filed and effective March 7, 2001. During that time, certain customers of FairPoint have refused to pay for CCL charges and the lack of a resolution to this Docket continues to cause friction between FairPoint and several of its customers.

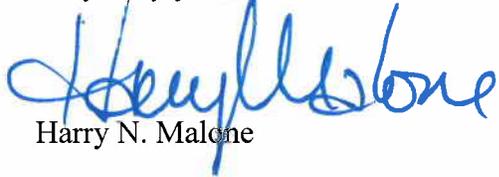
As of this date, FairPoint understands that the Commission has the following items before it:

- FairPoint Motion for Rehearing of Order Nisi 25,002
- Suspended Revised Tariff 85 (if subject to RSA 378:7)
- AT&T and BayRing Motion for Clarification and Expedited Relief

FairPoint respectfully requests that the Commission reactivate this proceeding and set a Scheduling Conference to establish a procedural schedule to resolve the pending issues in this proceeding. In the meantime, FairPoint reserves all rights to continue to pursue all remedies available to it under Tariff 85 for non-payment of charges.

Enclosed are seven (7) copies of this letter. A compact disk containing this letter is also enclosed.

Very truly yours,



Harry N. Malone

HNМ:kaa

Enclosures

cc: Electronic Service List