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Via Electronic Mail and Overnight Delivery

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



Re: Docket No. DT 06-067  
Freedom Ring Communications, LLC d/b/a BayRing Communications  
Complaint against Verizon New Hampshire regarding Access Charges

Dear Ms. Howland:

I am writing on behalf of AT&T Corp. ("AT&T") in response to the March 10, 2011, letter sent to you by Harry Malone on behalf of Northern New England Telephone Operations LLC ("FairPoint"). In his letter, Mr. Malone identifies several items that FairPoint believes are before the Commission and asks that the Commission "reactivate this proceeding and set a Scheduling Conference to establish a procedural schedule to resolve the pending issues in this proceeding."

AT&T agrees that the Commission needs to re-visit this docket after the 15-month period of dormancy resulting from FairPoint's bankruptcy filing in October 2009. AT&T disagrees, however, that a Scheduling Conference is necessary at this time, given the multiple filings already before the Commission.

The current phase of this five-year-old docket began on August 11, 2009, when the Commission issued an Order *Nisi* (Order No. 25,002), directing FairPoint to make a compliance tariff filing to clarify that it would charge a Common Carrier Line ("CCL") charge only when a FairPoint common line is used in the provision of switched access services. Although FairPoint submitted comments on the Order *Nisi*, it also filed the revised tariff pages, as ordered, on September 10, 2009. (The revised tariff pages bore an effective date of October 10, 2009.) This compliance tariff filing improperly included an additional tariff change, which attempted to resurrect a long-abandoned Interconnection Charge and which the Commission did not authorize in the Order *Nisi*.

The Commission then issued Order No. 25,016 on September 23, 2009, establishing a procedural schedule for investigation, submission of testimony and a hearing on FairPoint's proposed Interconnection Charge. Pursuant to this schedule, FairPoint submitted written testimony five days later.

On October 2, 2009, AT&T and Freedom Ring Communications, LLC d/b/a BayRing Communications ("BayRing") filed a joint motion for clarification of aspects of Order No. 25,016 and for expedited relief. Specifically, AT&T and BayRing sought clarification that 1) the issues, process and procedural schedule in Order No. 25,016 applied only to the portions of FairPoint's September 10 tariff filing related to the proposed Interconnection Charge; and 2) the portions of FairPoint's September 10 tariff filing related to the CCL charge were excluded from

the process established in Order No. 25,016 and thus would go into effect on October 10, 2009, in accordance with their terms and as a matter of law. The companies sought clarification on an expedited basis because the docket already had been pending for more than three years, FairPoint was on the verge of bankruptcy, and the CCL tariff changes ordered by the Commission were separable from FairPoint's proposed Interconnection Charge.

On October 12, 2009, FairPoint made two filings. First, it filed an objection to AT&T and BayRing's Joint Motion for Clarification and Expedited Relief. Second, it filed a motion that sought rehearing of the Order *Nisi* and Order No. 25,016, and that purported to withdraw the tariff pages it submitted on September 10. However, the revised tariff pages correcting FairPoint's application of the CCL rate pursuant to the Commission's Order *Nisi* had already taken effect as of October 10, 2009.

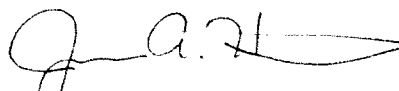
On October 16, 2009, AT&T and BayRing filed a Joint Objection to FairPoint's motion for rehearing and for conditional withdrawal of its tariff filing. On the same day, the group of companies doing business as One Communications also filed an Opposition to FairPoint's motion for rehearing.

Also on October 16, the Commission announced that it was suspending the procedural schedule established in Order No. 25,016 to allow it to consider the parties' various motions. On November 10, 2009, as a result of FairPoint's bankruptcy filing, the Commission issued a general order suspending the schedule in this docket and a number of other dockets involving FairPoint. The Commission has taken no action in this docket since that time.

Given this procedural history, AT&T respectfully requests that the Commission simply rule on the two motions it has before it before scheduling further activities in the docket. The AT&T/BayRing Joint Motion for Clarification and Expedited Relief and the FairPoint Motion for Rehearing and Conditional Withdrawal both have been fully briefed and awaiting resolution since October 2009. It is clear that FairPoint's overall strategy here is to attempt to breathe life into its extinct CCL charge as long as possible, even though the Commission has found that this charge is invalid when no FairPoint common line is used. It is FairPoint's conduct that caused this docket to go into limbo for 15 months and made a mockery of the AT&T/BayRing request in October 2009 for expedited relief. FairPoint's current request for a scheduling conference is simply an excuse for it to seek further delay and to continue further unlawful billing of its invalid CCL charge.

Enclosed are eight copies of this letter. Please return one file-stamped copy of the letter in the enclosed, stamped and self-addressed envelope.

Yours truly,



James A. Huttenhower

cc: Service List