

THE STATE OF NEW HAMPSHIRE

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August 22, 2007

Re: DT 06-067, Bay Ring Communications et alia
Complaint Regarding Access Charges

To the Parties:

On July 25, 2007, Verizon New Hampshire filed copies of certain bills as its third supplemental response to Staff data request (No. 1-19) in the above-referenced docket and indicated that it expected the supplemental response to be included in the evidentiary record associated with the merits hearing concluded on July 11, 2007. By letter of August 2, 2007, intervenor AT&T objected to the Verizon filing, contending, inter alia, that it would be unfair to permit Verizon to place material into the evidentiary record that would not be subject to discovery and cross-examination.

At its meeting of August 9, 2007, the Commission concluded that the copies of the bills provided by Verizon on July 25, 2007 were not responsive to the underlying data request and denied Verizon's request to place the documents in the evidentiary record of this proceeding. The Commission also noted that if Verizon seeks to make the document part of the record the proper procedure is to move to reopen the record.

Later on August 9, Verizon filed a motion that explicitly sought the inclusion of this material in the evidentiary record pursuant to N.H. Code Admin. Rules Puc 203.30(a) (providing for reopening of hearing record when "late submission of additional evidence will enhance [the Commission's] ability to resolve the dispute"). On August 20, 2007, AT&T filed a response in which it did not object to Verizon's motion but noted that "[AT&T] does not waive its right to object to any further effort by Verizon to supplement the record with untested information."

Please be advised the Commission has granted Verizon's request to supplement the record noting that the discovery response may have probative value and the parties have the opportunity to impeach or rebut the late filed exhibit in their briefs. Accordingly, the information provided by Verizon as its Third Supplemental Reply to Staff 1-19 will be marked as Exhibit 26.

Sincerely,

A handwritten signature in cursive script that reads "A. Howland".

Debra A. Howland
Executive Director and Secretary

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FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),

WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:

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PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY

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BULK MATERIALS:

Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

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