

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 06-067

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

**Petition of Northern New England Telephone Operations LLC
To Intervene**

Pursuant to RSA 541-A:32 and N.H. Admin. Rules Puc 203.17, Northern New England Telephone Operations LLC, d/b/a FairPoint Communications-NNE, a Delaware limited liability company having its principal office at 521 E. Morehead Street, Charlotte, NC (“Telco” or “FairPoint”) hereby petitions to intervene in the above-docketed proceeding and, in support of its Petition, states as follows:

1. On February 25, 2008, the Commission by Order No. 24,823, issued in Docket DT 07-011 (the “Transfer Order”), approved the transfer of Verizon New England Inc.’s local exchange and long distance businesses in New Hampshire to Telco and other entities controlled by FairPoint Communications Inc. Verizon and FairPoint closed the transactions referenced in the Transfer Order effective March 31, 2008.
2. As a result, FairPoint succeeded Verizon New England Inc. (“Verizon”) as the largest incumbent local exchange carrier (ILEC) in New Hampshire.
3. As an ILEC, FairPoint provides (among other services) switched access and local transport services to competitive local exchange carriers (CLECs), including the CLECs

involved in these proceedings. FairPoint also offers basic and other telecommunications service to the vast majority of New Hampshire residential customers.

4. As the successor-in-interest to Verizon, FairPoint now has an interest in participating in this Docket. According to the Supplemental Order of Notice dated October 23, 2006, the Commission decided to investigate the Verizon access charge rate elements applicable to various kinds of interexchange calls, including calls for which FairPoint now provides switched access services.

5. In addition, in the Commission's Order No. 24,837, dated March 21, 2008 (the "Order"), the Commission held, in relevant part, that "...Verizon cease the billing of carrier common line charges for calls that do not involve a Verizon end user or a Verizon-provided local loop." *See* Order at p. 33. The calls at issue now involve FairPoint's telecommunications infrastructure and what FairPoint can (or can not) bill for such calls directly impacts FairPoint's financial position. Thus, the Commission Order directly impacts FairPoint.

6. Pursuant to RSA 541-A:32, II, the Commission may grant petitions for intervention *at any time* if that intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings (emphasis added).

7. The fact that FairPoint's operations, financial and otherwise, are at issue in this Docket surely demonstrates the necessity of FairPoint's participation in the proceedings. Fundamental issues of fairness and justice favor granting this petition in order to allow FairPoint to protect its interests. FairPoint's intervention will not prejudice any other party or impair the orderly and prompt conduct of the proceedings. FairPoint agrees to take the present record in this docket "as is" and plans to file a Motion for Reconsideration of Oder 24,837 based upon the

entirety of the record to date.¹ See RSA 541:3 (noting in relevant part that “...any party to the action or proceeding before the commission, *or any person directly affected thereby*, may apply for a rehearing in respect to any matter determined in the action...” (emphasis added).

8. Based on the foregoing, FairPoint satisfies the requirements for intervention under RSA 541-A:32.

9. Based upon discussions with counsel, the undersigned understand that AT&T Corp., One Communications Corp. and Freedom Ring Communications LLC take no position with respect to this Petition. Verizon consents to the relief requested herein.

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¹ As the time period to file motions for reconsideration expires at the close of business on April 21, 2008, FairPoint’s Motion for Reconsideration of Order 24,837 is submitted with this Petition.

WHEREFORE, FairPoint respectfully requests that the Commission grant this Petition to Intervene.

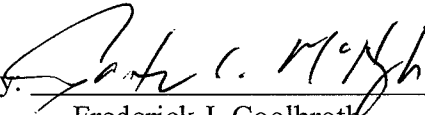
Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC, D/B/A FAIRPOINT
COMMUNICATIONS-NNE

By Its Attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: April 21, 2008

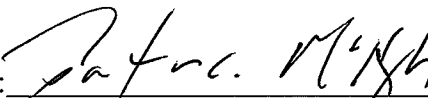
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CERTIFICATE OF SERVICE

I hereby certify that a PDF copy of the foregoing petition was forwarded this day to the parties by electronic mail.

Dated: April 21, 2008

By: 
Frederick J. Coolbroth, Esq.
Patrick C. McHugh, Esq.