

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

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

**VERIZON NEW HAMPSHIRE’S RESPONSE TO GLOBAL CROSSING
TELECOMMUNICATIONS, INC. AND XO COMMUNICATIONS, INC.’S
PETITIONS TO INTERVENE**

Verizon New Hampshire (“Verizon”) submits the following response to the Petitions to Intervene filed by Global Crossing Telecommunications, Inc. (“Global Crossing”) and XO Communications, Inc. (“XO”) in the above-captioned proceeding:

1. On September 25, 2008, Global Crossing filed a petition to intervene in Phase 2 of this proceeding. Global Crossing claims that it only recently became aware of the matter even though the proceeding was duly noticed in accordance with applicable law. XO filed its petition to intervene in Phase 2 on September 29, 2008, and asserts that it will abide by all rulings made in Phase 1 with regard to liability. Both Global Crossing and XO request that the Commission treat their intervention petitions as petitions for reparations under RSA 365:29.

2. The Commission has yet to determine whether Phase 2 will proceed at this time.¹ The fact that two additional competitive local exchange carriers seek to participate

¹ On September 8, 2008, Verizon moved to stay Phase 2 in light of its Notice of Appeal filed with the New Hampshire Supreme Court regarding Commission

in the Phase 2 proceedings only further supports Verizon's request to stay Phase 2 pending the outcome of the New Hampshire Supreme Court appeal. There would now be 11 parties participating in the Phase 2 proceedings, making the case even more complex and resource intensive. The case will necessarily require the expenditure of significant resources by all parties as well as the Commission and its Staff. It is not in the public interest to expend such substantial resources when the legal basis for ordering reparations is fundamentally in question.

3. If the Commission grants these intervention requests, it should treat the intervention requests as petitions for reparations under RSA 365:29, as requested by the intervenors. Consequently, the Commission should make clear in any order allowing intervention that any reparations to these carriers would be limited to payments made within two years before the dates of filing of the petitions. *See* RSA 365:29. In the case of Global Crossing, that period would begin September 25, 2006, and for XO, it would begin September 29, 2006.

WHEREFORE, Verizon respectfully requests that the Commission:

- A. Expressly limit the reparations potentially payable to Global Crossing and XO to the two year period proceeding the filing of their intervention petitions if it allows the companies to intervene;
- B. Grant such other and further relief as the Commission deems necessary and just.

Order No. 24,886. While the Commission rescheduled the prehearing conference in Phase 2 to November 5, 2008, it has not yet acted on Verizon's Motion to Stay. *See* Secretarial Letter dated September 24, 2008.

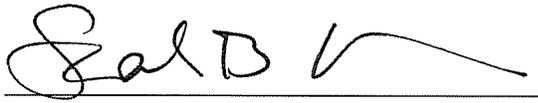
Respectfully submitted,

VERIZON NEW HAMPSHIRE

By its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

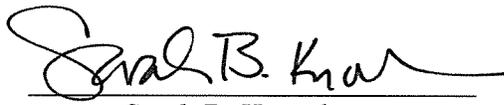
Date: October 6, 2008

By: 
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Certificate of Service

I hereby certify that on October 6, 2008, a copy of the foregoing Response to Petitions to Intervene has been forwarded to the parties listed on the Commission's service list in this docket.


Sarah B. Knowlton