

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

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

COMPETITIVE LOCAL EXCHANGE CARRIERS' MOTION FOR HEARING
TO DETERMINE LANGUAGE AND EFFECTIVE DATE
OF FAIRPOINT'S CCL TARIFF FILING

Competitive Local Exchange Carriers Freedom Ring Communications, LLC d/b/a BayRing Communications, Sprint Communications Company, L.P. and Sprint Spectrum, L.P. ("Sprint"), and AT&T Corp. ("CLECs") respectfully move that the New Hampshire Public Utilities Commission ("Commission") expeditiously convene a hearing and issue an order determining: 1) whether FairPoint's September 10, 2009 tariff filing results in the removal of the carrier common line ("CCL") charge for calls that do not use a FairPoint common line, consistent with the Commission's prior directives on this issue; and 2) the effective date of the CCL tariff modifications. Relief from FairPoint's anti-competitive application of the CCL charges is long overdue and should not be further delayed pending the Commission's review of FairPoint's request to increase its long-dormant interconnection charge. In support of their Motion, the CLECs state as follows:

1. Two tariff filings made by FairPoint on September 10, 2009 are presently pending before the Commission. One relates to CCL tariff language and is comprised of two pages (Tariff No. 85, Section 5, First Revision of Pages 1 and 4) ("the CCL tariff filing"). The other filing relates to a rate change and is also comprised of two pages

(Tariff No. 85, Section 6, First Revision of Page 5 and Section 30, Page 8, Second Revision) (“the interconnection charge filing”).

2. The issue of whether FairPoint’s CCL tariff filing complies with the Commission’s prior orders is presently ripe for consideration by the Commission. No discovery or additional process is necessary for the Commission to determine whether the CCL tariff language complies with the Commission’s directives to FairPoint to modify its tariff to eliminate the imposition of CCL charges when no FairPoint common line is used. The effective date of the CCL tariff language is also ripe for adjudication by the Commission. These are questions of tariff interpretation and law requiring no discovery, technical sessions or testimony – just argument – as the Commission noted in Order No. 25, 284 (“the Commission will permit *arguments* on whether...any changes should be reconciled...”) (emphasis added). There is therefore no need to subject the CCL tariff filing to the procedural schedule set out in Order No. 25, 284, a schedule that more properly applies to the interconnection rate change sought by FairPoint.

3. FairPoint’s unilateral attempt to condition the CCL tariff filing ordered by the Commission upon the institution of a separate interconnection rate increase should not be rewarded by a process that delays the resolution of the CCL tariff language change (a change that is long overdue). Simply put, the CCL tariff language change ordered by the Commission is currently ready for review and should not be subject to the procedural schedule needed for the consideration of the interconnection rate increase issue.

4. The Commission’s delays in considering modifications to FairPoint’s CCL tariff has caused the CLECs years of financial uncertainty as they continue to be billed CCL charges by FairPoint when no FairPoint common line is used, in addition to being

billed CCL charges by carriers whose common lines are actually used. The CLECs therefore urge the Commission to put an end to these improper CCL charges by moving forward with an expeditious review of FairPoint's CCL tariff language and a determination of its effective date as soon as possible.

Based on the foregoing, the CLECs respectfully urge that the Commission:

A. Expeditiously convene a hearing and issue an order to determine:

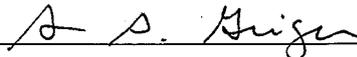
1) whether FairPoint's CCL tariff filing complies with the Commission's directives to FairPoint to modify its tariff to ensure that CCL charges are not imposed when no FairPoint common line is used; and

2) the effective date of the CCL tariff filing; and

B. Grant such further relief as it deems appropriate.

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2011, I have forwarded a copy of the foregoing Motion either by first class mail, postage prepaid, or by electronic mail to the parties listed on the Service List.

Susan S. Geiger

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