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Via Electronic Mail and Hand Delivery

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: DT 06-067 - BayRing Complaint Regarding Access Charges

Dear Ms. Howland:

This letter is filed on behalf of Freedom Ring Communications, LLC d/b/a BayRing Communications (“BayRing”) to clarify the record with respect to an assertion made by FairPoint in its February 28, 2012 Objection to the Competitive Carrier Motion for Reconsideration (“Objection”) that BayRing has violated a Bankruptcy Court approved settlement agreement. More specifically, FairPoint alleges at page 11, footnote 38 of its Objection, that “BayRing’s request for relief back to 2009 . . . is disingenuous” and “violates a federal court order” i.e. an order of the Bankruptcy Court approving a settlement agreement between FairPoint and BayRing.

To set the record straight, BayRing hereby clarifies that it is not requesting for itself “relief back to 2009” in the above-captioned docket. Although BayRing joins with other Competitive Carriers in arguing that FairPoint’s CCL tariff revisions (clarifying that the CCL charge is not imposed if no FairPoint common line is used) should have gone into effect October 10, 2009, BayRing is not asserting that FairPoint owes BayRing refunds or credits relating to carrier common line (“CCL”) charges that predate August 1, 2010.

The settlement agreement referenced in FairPoint’s Objection specifically covers “pre-August 1, 2010 liabilities” and states the agreement shall not affect certain dockets pending before this Commission (including the instant docket) “which shall remain open until all matters raised therein are resolved.” Thus, while BayRing agrees with FairPoint that the settlement agreement prevents BayRing from obtaining refunds or credits for disputed CCL charges predating August 1, 2010, BayRing strenuously objects to any assertion that its position on a legal issue in this docket, i.e. the effective date of FairPoint’s CCL tariff revisions, constitutes a violation of the settlement agreement or the court order approving it.

Please let me know if there are any questions about this letter. Thank you.

Very truly yours,

Susan S. Geiger

cc: Service List (via electronic mail only)
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