

THE 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

**BAYRING'S RESPONSE TO FAIRPOINT'S REQUEST TO WITHDRAW
EMERGENCY MOTION FOR ENFORCEMENT OF COMMISSION ORDER
AND TO FAIRPOINT'S MARCH 27, 2012 FILING**

NOW COMES Freedom Ring Communications LLC d/b/a BayRing Communications ("BayRing") and responds to FairPoint's Request to Withdraw Emergency Motion for Enforcement of Commission Order ("Request to Withdraw") and to FairPoint's March 27, 2012 filing by stating as follows:

1. BayRing assents to FairPoint's Request to Withdraw on the condition FairPoint's Emergency Motion, the Affidavit of Thomas P. Nolting, and all documents submitted with those two filings, also be withdrawn.

2. In the event that the Commission does not grant FairPoint's request or does not remove from the record of this docket all of the documents referenced in paragraph 1, above, BayRing respectfully responds to the information provided by FairPoint pursuant to Commission Order No. 25, 337 (March 23, 2012) by stating as follows:

A. By letter dated February 14, 2012, FairPoint Communications provided BayRing with a "formal demand" for payment by March 31, 2012 of all Carrier Common Line ("CCL") charges owed to FairPoint. Among other things, the letter informed

BayRing of the amount of the CCL charges FairPoint alleges are owed to it by BayRing, and directed BayRing to contact Tom Nolting to arrange for payment of the past due amount.

B. On February 24, 2012, Mr. Darren Winslow of BayRing sent an electronic mail message to Tom Nolting indicating, among other things, that BayRing is open to discussions regarding the CCL payment issue and to resolving several other outstanding billing disagreements between BayRing and FairPoint.

C. On March 15, 2012, Mr. Winslow sent an electronic mail message to Mr. Patrick McHugh, FairPoint's New Hampshire State President, that forwarded Mr. Winslow's earlier electronic mail message to Mr. Nolting. In the e-mail to Mr. McHugh, Mr. Winslow indicated that he had received FairPoint's Emergency Motion but had not received a response to his earlier electronic message to Mr. Nolting.

D. On March 29, 2012, BayRing contacted FairPoint again to resolve CCL and other disputes prior to March 31, 2012. However, FairPoint has demonstrated a lack of interest in resolving these issues with BayRing, despite the filing of its Emergency Motion.

E. FairPoint has provided BayRing with three different amounts that FairPoint alleges BayRing owes for carrier common line ("CCL") charges: one in FairPoint's original demand letter, another in FairPoint's Emergency motion, and yet another in documents filed with Mr. Nolting's Affidavit. Each of these amounts is incorrect and in conflict with FairPoint's actual invoices to BayRing.

F. The information filed with Mr. Nolting's Affidavit is incorrect and defamatory to the extent that it erroneously shows that BayRing has made no payments

toward CCL and switched access. Except for a portion of properly disputed charges, BayRing has paid all switched access charges for the fiscal year listed. Thus, FairPoint's own inconsistent data and apparent utter lack of understanding of its invoicing system and accounts receivable casts significant doubt on the veracity of its claims.

G. The Commission should look very unfavorably upon FairPoint's untimely and mistake-ridden filings. FairPoint's recent procedural antics have, yet again, wasted the Commission's and parties' time and resources. This situation could have been totally avoided had FairPoint responded to BayRing's electronic mail to Tom Nolting some five weeks ago.

H. It is totally disingenuous for FairPoint to seek relief from the Commission—especially at this premature juncture when no final, non-appealable order has been issued in this matter—without ever attempting to work directly with BayRing to resolve this matter. For the reasons set forth herein, and for those presented in the Competitive Carriers' Objection to FairPoint's Emergency Motion for Enforcement, the Commission should deny the Emergency Motion.

March 30, 2012

Respectfully Submitted,

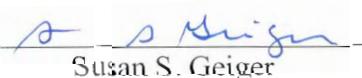
Freedom Ring Communications LLC
d/b/a BayRing Communications
By its attorney,



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Certificate of Service

I hereby certify that on this 30th day of March, 2012, a copy of the foregoing Response was sent by electronic mail to persons named on the Service List of this docket.

A handwritten signature in blue ink, appearing to read "S. Geiger", is written over a horizontal line. The signature is contained within a light gray rectangular box.

Susan S. Geiger

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