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July 3, 2007

Malcolm McLane
(Retired)

VIA HAND DELIVERY

Ms. Debra A. Howland, Executive Director and Secretary
NH Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301-2429



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***Re: DT 06 - 067, Petition of BayRing Communications v.
Verizon-NH Regarding Access Charges***

Dear Ms. Howland:

Enclosed for filing with the Commission in the above-captioned matter please find an original and eight copies of AT&T's and BayRing's jointly filed Request for Hearing to be Conducted by Full Commission and For Confirmation of Other Hearing Procedures.

Please let me know if there are any questions about this filing. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Susan S. Geiger'.

Susan S. Geiger

Susan S. Geiger
Judith A. Fairclough
(Of Counsel)

cc: Service List
Enclosure

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

BayRing Petition For Investigation Into
Verizon New Hampshire's Practice Of
Imposing Access Charges, Including Carrier
Common Line (CCL) Access Charges, On
Calls Which Originate On BayRing's Network
And Terminate On Wireless and Other Non-
Verizon Carriers' Networks

Docket No.06-067

**REQUEST FOR HEARING TO BE CONDUCTED BY FULL COMMISSION AND
FOR CONFIRMATION OF OTHER HEARING PROCEDURES**

Introduction

Pursuant to NH RSA 363:17, AT&T Communications of New England, Inc. ("AT&T") and BayRing Communications ("BayRing") (together, the "Competitive Carriers") request that the Commission conduct the hearing scheduled for July 10, 11, and 12 with all three Commissioners sitting. In addition, the Competitive Carriers request confirmation that each party will be permitted to present an oral summary of its written prefiled testimony during direct examination and to file a post-hearing brief with legal argument. Verizon concurs in the Competitive Carriers' request to confirm the parties' right to an oral presentation.¹ Given the voluminous record and technical nature of this case, the Competitive Carriers believe that (1) an oral summary at the outset will provide useful guidance and technical background for understanding the issues in this case, and (2) a post-hearing brief will enable the parties to succinctly present their cases by consolidating the facts adduced on the record across multiple documents and transcripts and link those facts to the legal issues of the case.

¹ During informal discussions between counsel for Verizon and AT&T, Verizon requested that the parties be permitted to include in the initial oral presentation rebuttal to the last round of testimony filed by opposing parties. The Competitive Carriers have no objection.

Background and Support

I. UNDER RSA 363:17, A PARTY MAY HAVE ITS CAUSE HEARD BY A MAJORITY OF COMMISSIONERS.

RSA 363:17 states:

No hearing or investigation, except in accident cases, shall be held or conducted by a single commissioner if any party whose interests may be affected shall, 5 days before the date of hearing, file a request in writing that the same be held or conducted by the full commission, or a majority thereof. If no such request is filed, the commission may assign one of its members or appoint a qualified member of its staff as examiner to hear the parties, report the facts, and make recommendations to the commission.

In this action, BayRing has challenged Verizon's application of its carrier common line ("CCL") charge in situations where the call either originates from and/or terminates to a non-Verizon end-user, thus Verizon's end-user is not even involved. AT&T and several other carriers have joined in the complaint, arguing the relatively straightforward point that the tariff does not permit Verizon to charge for something it does not provide – something that is in fact provided by another carrier. Verizon's application of its CCL charge when other carriers provide the service and (appropriately) levy the CCL charge creates a systematic double-charge that has serious financial and competitive effects on AT&T and BayRing. At the same time, the underlying factual considerations, such as call flows, can best be understood by first hand presence in the hearings. AT&T and BayRing, therefore, seek the participation of the full Commission in this case. As a result, they request under RSA 363:17 that the full Commission hear the evidence in this matter.

II. THE COMMISSION WILL BENEFIT FROM ORAL DIRECT TESTIMONY AT THE HEARINGS AND POST-TRIAL BRIEFS.

The Commission's understanding of the issues will be greatly enhanced by oral presentations explaining the call flows and by post-hearing briefs that will organize the facts and legal arguments into a single, coherent presentation. The present case involves the

understanding of call flows involving multiple carriers. It also involves tariff language requiring legal argument. In addition, Verizon has made numerous arguments relating to past Commission decisions which also require legal argument and interpretation. The record now consists of a range of documents, including direct testimony, rebuttal testimony, responses to numerous information requests propounded by numerous parties, as well as the multiple pleadings which raise, define, and join numerous issues.

In order for the Commissioners to obtain the full benefit of their presence at the hearings, AT&T and BayRing seek confirmation that the Commissioners will permit oral direct examination from the parties that filed written testimony in this case. As noted at the outset of this pleading, Verizon also concurs in the request for an opportunity to make an oral presentation on direct and further proposes that a response to the last round of written testimony be permitted as part of the oral presentation. (a proposal to which the Competitive Carriers do not object). Oral direct examination is not uncommon in Commission hearings, especially in cases such as the present one, where the facts can be best addressed through oral presentations. For planning purposes, the Competitive Carriers here seek the Commissioners confirmation that they will be allowed to make such a presentation.

For similar reasons, the Competitive Carriers also seek confirmation that the parties will be permitted to file post-hearing briefs. As noted above, a post-hearing brief will enable the parties to succinctly present their cases by consolidating the facts adduced on the record across multiple documents and transcripts and link those facts to the legal issues of the case. Indeed, much of the tariff interpretation argument is legal in nature and best suited for briefing rather than oral testimony from witnesses. Like the opportunity for an oral presentation at the outset, the opportunity to file post-hearing briefs is important for the parties to know for planning purposes prior to hearing.

Conclusion

For the reasons set forth above, the Competitive Carriers request the hearing scheduled for July 10, 11, and 12 be conducted with all three Commissioners sitting. In addition, the Competitive Carriers request confirmation that each party will be permitted to present an oral summary of its written case during direct examination and to file a post-hearing brief with legal argument.

Respectfully submitted,

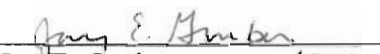
BAYRING COMMUNICATIONS

AT&T COMMUNICATIONS OF NEW
ENGLAND, INC.

By its Attorney,

By Its Attorney,

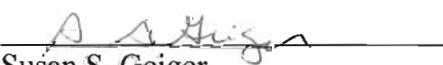

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Dated: July 3, 2007

Certificate of Service

I hereby certify that on this 3rd day of July, 2007 a copy of the foregoing pleading was sent by electronic mail or first class mail, postage prepaid to the Service List.


Susan S. Geiger