

THE STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Clifton C. Below  
Amy L. Ignatius

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



**PUBLIC UTILITIES COMMISSION**  
21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

February 25, 2011

Re: DT 09-059, Petition of FairPoint Communications for Waiver of Performance Assurance Plan and Carrier to Carrier Reporting Requirements  
DT 09-113, Petition of FairPoint Communications for Waiver of Performance Assurance Plan Payment Requirements  
Performance Assurance Plan Audit

To all parties in the named docket:

The 2008 settlement agreement among the Joint Petitioners and Staff approved in Docket No. DT 07-011, regarding the transfer of assets from Verizon New England to FairPoint Communications, Inc. (FairPoint), contemplated that an audit would be conducted of FairPoint's wholesale performance assurance plan (PAP). In the event that a simplified PAP had not been adopted by June 1, 2010, or if efforts to develop a simplified PAP had terminated before that date, the audit would be conducted of FairPoint's existing PAP. The Commission has determined that, since a simplified PAP has not been adopted, an audit of the existing PAP should be conducted. Pursuant to Section 9.4 of the 2008 settlement agreement, the Commission will include in its distribution of a request for proposals any consulting firms identified by FairPoint by close of business March 4, 2011. The Commission will undertake this audit under the terms of the settlement agreement as well as its ongoing investigative authority under RSA 365:5.

Docket No. DT 09-059 relates, in part, to FairPoint's request to waive certain reporting requirements under the PAP. Docket No. DT 09-113 relates to FairPoint's request to modify the PAP to reduce the total dollars at risk pursuant to the PAP. The resolution of both dockets depends upon an understanding of the current PAP and its implementation. Because the Commission will be undertaking an audit of the PAP to develop such understanding, these dockets are stayed pending the completion of the audit.

Sincerely,

A handwritten signature in cursive script that reads "Debra A. Howland".

Debra A. Howland  
Executive Director