

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION



September 3, 2009 - 1:45 p.m.
Concord, New Hampshire

ORIGINAL

**RE: DT 09-113 NORTHERN NEW ENGLAND TELEPHONE
OPERATION, LLC, D/B/A FAIRPOINT
COMMUNICATIONS-NNE
PETITION FOR WAIVER OF CERTAIN REQUIREMENTS
UNDER THE PERFORMANCE ASSURANCE PLAN AND
CARRIER-TO-CARRIER GUIDELINES
(Prehearing Conference)**

PRESENT:

Chairman Thomas B. Getz, Presiding
Commissioner Clifton C. Below
Commissioner Amy L. Ignatius

Jody Carmody, Clerk

APPEARANCES:

- Reptg. FairPoint Communications:**
Harry Malone, Esq. (Devine, Millimet...)
- Reptg. PUC Staff:**
Robert Hunt, Esq.
- Reptg. BayRing:**
Alan Shoer
- Reptg. Office of Consumer Advocate:**
Kenneth Traum
- Reptg. One Communications:**
Paula Foley

COURT REPORTER: Susan J. Robidas, LSCR/RPR No. 44

1 APPEARANCES (cont'd):

2 Reptg. Covad:
Katherine Mudge

3
4 Reptg. Comcast:
James White

5 Reptg. CRC Communications:
Trina Bragdon

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 CHAIRMAN GETZ: Okay. Good
2 afternoon. We'll open the prehearing conference
3 in Docket DT 09-113.

4 On June 10, 2009 FairPoint
5 Communications filed a petition for waiver of
6 payment requirements under the Performance
7 Assurance Plan. On July 30, the Commission
8 issued an order of notice setting a prehearing
9 conference that was held on August 13. On
10 August 7, the company filed a supplement to its
11 petition. The prehearing conference was held on
12 August 13 and presided over by our general
13 counsel, Ms. Ross. And following a technical
14 session there was a recommendation that a
15 supplemental order of notice be issued to address
16 the supplemental filing. I'd note that Ms. Ross
17 submitted a hearings examiner report on
18 August 14th and, among other things, it
19 recommended that we grant the intervention
20 requests from BayRing, One Communications, CRC
21 Communications, segTEL, Comcast Phone, BCN
22 Telecom and Covad Communications; and she notes
23 that there were no objections filed in writing or
24 made orally at the previous prehearing

{DT 09-113} [PREHEARING CONFERENCE] {09-03-09}

1 conference. And recognizing that the
2 intervention requests demonstrated rights, duties
3 and interests that would be affected by the
4 proceeding, we will grant the petitions to
5 intervene. Also note for the record that the
6 affidavit of publication for the supplemental
7 order notice was filed on August 25.

8 So at this time, let's just
9 take appearances. I don't see any additional
10 petitions to intervene. But if I'm mistaken,
11 somebody please alert me.

12 So, let's start. Mr. Malone.

13 MR. MALONE: Good afternoon.
14 Harry Malone from Devine, Millimet & Branch
15 representing FairPoint.

16 CHAIRMAN GETZ: Good
17 afternoon.

18 MR. SARGENT: Dave Sargent,
19 senior metrics manager with FairPoint.

20 CHAIRMAN GETZ: Good
21 afternoon.

22 MR. SKRIVAN: Mike Scrivan,
23 vice-president of regulatory for FairPoint.

24 CHAIRMAN GETZ: Good

1 afternoon.

2 MR. SHOER: Good afternoon.
3 Alan Shoer, representing BayRing Communications.

4 CHAIRMAN GETZ: Good
5 afternoon.

6 MR. THAYER: Ben Thayer,
7 BayRing Communications.

8 CHAIRMAN GETZ: Good
9 afternoon.

10 MR. TRAUM: Mr. Chairman, Ken
11 Traum from the Office of Consumer Advocate.
12 We're simply monitoring the proceeding at this
13 point.

14 CHAIRMAN GETZ: Thank you.

15 MS. FOLEY: Good afternoon.
16 Paula Foley for One Communications.

17 CHAIRMAN GETZ: Good
18 afternoon.

19 MS. MUDGE: Good afternoon.
20 My name is Katherine Mudge, and I'm with Covad
21 Communications.

22 CHAIRMAN GETZ: Good
23 afternoon.

24 MR. WHITE: James White,

1 Comcast Phone of New Hampshire.

2 CHAIRMAN GETZ: Good
3 afternoon.

4 MS. BRAGDON: Hello. Trina
5 Bragdon from CRC Communications of Maine.

6 CHAIRMAN GETZ: Good
7 afternoon.

8 MR. HUNT: Rob Hunt, Staff
9 attorney; Kate Bailey, Director of
10 Telecommunications; Michael Ladam, policy
11 analyst; and Josie Gage, policy analyst.

12 CHAIRMAN GETZ: Good
13 afternoon.

14 Well, my understanding,
15 everyone had an opportunity to state their
16 position in this case at the previous prehearing
17 conference. We'll provide an opportunity if
18 there's anything new or different that the
19 parties would like to make a statement concerning
20 at this point.

21 MR. MALONE: Thank you. We're
22 happy to rely on the statement we delivered on
23 the 13th.

24 CHAIRMAN GETZ: Is there

1 anyone else that would like to make a statement
2 this afternoon?

3 (No verbal response)

4 CHAIRMAN GETZ: Hearing
5 nothing, is there anything that we need to
6 address before the parties move on to a technical
7 session and a report -- or I guess if there's any
8 objections to the procedural schedule that's laid
9 out in the supplemental order of notice, I guess
10 I'd like to hear that at this point.

11 (No verbal response)

12 CHAIRMAN GETZ: Okay. So
13 there's nothing we can do for you at this point.

14 Anything from the bench?

15 (No verbal response)

16 CHAIRMAN GETZ: Okay. Hearing
17 nothing, then we will close the prehearing
18 conference and wait for any recommendations that
19 might come out of the technical session. Thank
20 you, everyone.

21 (WHEREUPON, hearing was adjourned
22 at 1:50 p.m., and a technical session
23 was held thereafter.)

24

C E R T I F I C A T E

1
2 I, Susan J. Robidas, a Licensed
3 Shorthand Court Reporter and Notary Public
4 of the State of New Hampshire, do hereby
5 certify that the foregoing is a true and
6 accurate transcript of my stenographic
7 notes of these proceedings taken at the
8 place and on the date hereinbefore set
9 forth, to the best of my skill and ability
10 under the conditions present at the time.

11 I further certify that I am neither
12 attorney or counsel for, nor related to or
13 employed by any of the parties to the
14 action; and further, that I am not a
15 relative or employee of any attorney or
16 counsel employed in this case, nor am I
17 financially interested in this action.

18
19 
20 Susan J. Robidas, LCR/RPR
21 Licensed Shorthand Court Reporter
22 Registered Professional Reporter
23 N.H. LCR No. 44 (RSA 310-A:173)
24