

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 08-028

Hollis Telephone Co., Inc., Kearsarge Telephone Co.,
Merrimack County Telephone Co. and Wilton Telephone Co.
Joint Petition for Authority to Block the Termination
Of Traffic from Global NAPS

Motion for Authority to Disconnect Global NAPS

1. Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, intervenor in the above-docketed proceeding (“FairPoint”), hereby moves for authority, effective June 22, 2010 (40 days from the date of this motion), to disconnect and block the termination of all traffic carried by Global NAPS, Inc. and any of its affiliates (“GNAPS”) that interconnect with FairPoint in the State of New Hampshire. In support of its Motion, FairPoint states as follows:

2. Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE is a Delaware limited liability company and public utility operating subject to the jurisdiction of the New Hampshire Public Utilities Commission (“Commission”) and is authorized to serve as an incumbent local exchange carrier (“ILEC”) in New Hampshire as that term is defined in 47 U.S.C. § 251(h), 47 C.F.R. § 51.5, and New Hampshire Admin. Rule Puc 402.23.

3. FairPoint was granted leave to intervene in this proceeding on June 13, 2008.

4. FairPoint provides intrastate and interstate access service in New Hampshire pursuant to its access tariffs N.H. P.U.C. No. 85 (intrastate) and Tariff F.C.C. No. 1 (interstate).

Rates for these access services are contained in the pertinent sheets from those tariffs, attached as Exhibit 1.

5. From April 2008 through May 2010, inclusive, and continuing thereafter to the date of this motion, GNAPS has sent terminating traffic to exchanges served by FairPoint in New Hampshire.

6. Analysis of the call detail records applicable to this traffic establishes that traffic was delivered by GNAPS to FairPoint for termination to customers in all of FairPoint's exchanges.

7. The traffic from GNAPS originates from various rate centers not within the respective local calling areas of FairPoint's customers. Accordingly, the traffic terminated by GNAPS in exchanges served by FairPoint in New Hampshire is toll service that is subject to applicable intrastate or interstate access charges.

8. FairPoint's records also establish that the aforementioned traffic includes both intrastate and interstate traffic minutes for which GNAPS has failed to pay the applicable access charges set forth in FairPoint's interstate and intrastate tariffs.

9. As of March 10, 2010, FairPoint is due \$4,172,844.58 for terminating access charges applicable to the traffic terminated by GNAPS in exchanges served by FairPoint in New Hampshire. A summary of those charges is attached hereto as Exhibit 2.

10. Since April 2008 FairPoint has attempted to resolve this billing dispute with GNAPS concerning GNAPS' non-payment of applicable access charges, to no avail.

11. In November 10, 2009, the Commission issued its Order No. 25,043 in which it ruled in favor of the original petitioners, the TDS Companies, under a factual scenario that is essentially identical to the dispute between FairPoint and GNAPS, supported by record evidence

substantially similar to that provided in the exhibits to this motion. In particular, the

Commission found, among other thing, that:

- GNAPS failed in its burden of proving its arguments against the TDS Companies' claims;
- The TDS Companies demonstrated through record evidence that GNAPS' traffic travels across TDS facilities to access TDS end-users;
- Despite more than ample opportunity, GNAPS offered no evidence to refute the TDS Companies' argument that the intrastate traffic in question is identified and treated as exchange access traffic subject to intrastate tariffed access charges;
- GNAPS made no payments under either tariff for the access the TDS Companies provided to terminate GNAPS traffic; and
- Puc 412.19 permits a carrier to disconnect service to a non-residential customer, where that customer has violated a provision of the utility's approved tariff.

12. Accordingly, the Commission ordered that “absent payment in full of outstanding invoices or a mutually acceptable payment arrangement between Global NAPS and the TDS Companies, then the TDS Companies are entitled to disconnect service to Global NAPS” in accordance with procedures described in Order 25,043. *See* Order 25,043 at 24-25,.

13. Furthermore, the Commission found it to be “in the best interest of New Hampshire ratepayers and telecommunications carriers alike” to authorize the intervenors in this proceeding to also pursue disconnection of service to Global NAPS within the State of New Hampshire and file motions accordingly. Order 25,043 at 25.

14. Global NAPS, on December 2, 2009, filed a motion to stay and to reconsider or rehear the Order (Motion for Rehearing). On December 15, 2009, the Commission issued a secretarial letter suspending its Order pursuant to RSA 541:5 pending further consideration of the issues raised in Global NAPS' motion.

15. On April 2, 2010, the Commission issued Order 25,088 denying the Global NAPS Motion for Rehearing and providing that “[t]he suspension of our Order [25,043] is no longer in effect, and all terms apply with the exception of new dates imposed regarding payment to TDS and notice to Global NAPS’ customers.”

WHEREFORE, pursuant to the now operational terms of Order 25,043, FairPoint respectfully requests that the Commission grant this motion and

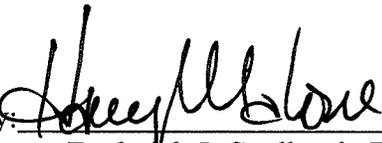
- 1) authorize FairPoint to disconnect and block the termination of all traffic carried by Global NAPS, Inc. and any of its affiliates that interconnect with FairPoint in the State of New Hampshire, effective June 22, 2010;
- 2) award attorney fees to FairPoint in the event of Global NAPS’ non-compliance with the directives of Order 25,043 and any other orders in this proceeding; and
- 3) provide such other relief as the Commission deems necessary and appropriate.

Respectfully submitted,

Northern New England Telephone Operations LLC
By their Attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: May 13, 2010

By: 

Frederick J. Coolbroth, Esq.
Patrick C. McHugh, Esq.
Harry N. Malone, Esq.
43 North Main Street
Concord, NH 03301
(603) 226-1000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was forwarded this day to the parties by electronic mail.

Dated: May 13, 2010

By

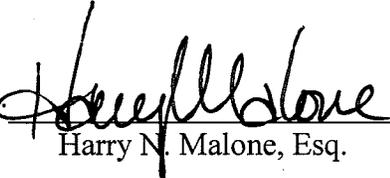

Harry N. Malone, Esq.

EXHIBIT 1

Excerpts from Access Tariffs

Verizon New England Inc.

30. Rates and Charges
30.5 Carrier Common Line Access Service

30.5.1 Carrier Common Line				
ID	Service Category	Rate Element	Rate	USOC
	Switched Access Service	Terminating - Per access minute	0.026494	
		Originating - Per access minute	0.026494	
		One Time Credit - Terminating - Per access minute	0.001593	
		One Time Credit - Originating - Per access minute	0.001593	
	800 Database Access Service	Terminating - Per access minute	0.026494	
		Originating - Per access minute	0.026494	
		One Time Credit - Terminating - Per access minute	0.001593	
		One Time Credit - Originating - Per access minute	0.001593	

Verizon New England Inc.

30. Rates and Charges
30.6 Switched Access

30.6.2 Direct Trunked Transport				
ID	Service Category	Rate Element	Rate	USOC
	Channel Mileage	VG 2W - Fixed - Monthly	33.39	1YTES
		VG 2W - Per Mile - Monthly	3.89	1YTES
		VG 4W - Fixed - Monthly	33.39	1YTES
		VG 4W - Per Mile - Monthly	3.89	1YTES
		DS1 - Fixed - Monthly	66.00	1YTCS
		DS1 - Per Mile - Monthly	21.25	1YTCS
		DS3 - Fixed - Monthly	702.00	1YTDS/1YTOS (T)
		DS3 - Per Mile - Monthly	120.00	1YTDS/1YTOS (T)
	Mid-Link	DS1 - NRC	526.52	NRBL1
		DS3 - NRC	0.00	NRBL3

30.6.3 Tandem Switched Transport-Local Transport Termination				
ID	Service Category	Rate Element	Rate	USOC
	Switched Access Service	Originating - Per access minute	0.000716	
		Terminating - Per access minute	0.000716	
	800 Database Access Service	Originating - Per access minute	0.000716	
		Terminating - Per access minute	0.000716	

30.6.4 Tandem Switched Transport-Local Transport Facility				
ID	Service Category	Rate Element	Rate	USOC
	Switched Access Service	Originating - Per mile - Per access minute	0.000004	
		Terminating - Per mile - Per access minute	0.000004	
	800 Database Access Service	Originating - Per mile - Per access minute	0.000004	
		Terminating - Per mile - Per access minute	0.000004	

Issued: August 22, 2003
Effective: September 21, 2003

J. Michael Hickey
President-NH



Verizon New England Inc.

30. Rates and Charges
30.6 Switched Access

30.6.7 Local Transport-Other				
ID	Service Category	Rate Element	Rate	USOC
	Common Channel Signaling Access	STP Link Transport - Per Mile Monthly	1.98	
		STP Port - Monthly	450.00	
	SS7 Point Code Change Charge	Initial - NRC	136.87	
		Additional - Each - NRC	15.80	
	DS1 to Voice Multiplexing	Per Arrangement - NRC	0.00	MKW1X
		Per Arrangement - Monthly	291.38	MKW1X
	DS3 to DS1 Multiplexing	Per Arrangement - NRC	0.00	MKW3X/MJW3X
		Per Arrangement - Monthly	950.00	MKW3X/MJW3X

30.6.8 Local Switching				
ID	Service Category	Rate Element	Rate	USOC
	Switched Access Service	Originating - Per access minute	0.001934	
		Terminating - Per access minute	0.001934	
	800 Database Access Service	Originating - Per access minute	0.001934	
		Terminating - Per access minute	0.001934	
	Installation	NRC - Per line or trunk	60.00	
	Carrier Identification Parameter	NRC - Per trunk group	70.00	U7CPG
		Monthly - Per trunk group	60.00	U7CPG

30.6.9 Feature Group 2A				
ID	Service Category	Rate Element	Rate	USOC
	Activation of NXX Code	NRC - Per cellular provider - Per NXX code	4,500.00	CUZ-X

(D)
(D)

Issued: August 27, 2003
Effective: September 26, 2003

J. Michael Hickey
President-NH

To be implemented on October 1, 2003.

ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(A) Entrance Facility Standard Channel Termination (Cont'd)

(3) DS1

	<u>USOC</u>	<u>Monthly Rate</u>	<u>Nonrecurring Charge</u>	
			<u>First</u>	<u>Add'l</u>
(a) Maine, New Hampshire, and Vermont	EFGDX	\$190.00	\$275.00	\$165.00

(TR 1)

Issued: March 17, 2008

Effective: April 1, 2008

Vice President, Regulatory
521 East Morehead St., Suite 250, Charlotte, NC 28202

ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(B) Tandem Switched Transport and Host/Remote Switched Transport

(1) Local Transport Termination
- Per minute of use

Rate

(a) Maine, New Hampshire, and Vermont \$ 0.000000

(2) Local Transport Facility
- Per mile, per minute

(a) Maine, New Hampshire, and Vermont 0.000003

(TR 1)

Issued: March 17, 2008

Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)31.6 Switched Access Service (Cont'd)31.6.1 Local Transport (Cont'd)(B) Tandem Switched Transport and Host/Remote Switched Transport (Cont'd)(3) Tandem Switching
- Per Minute of UseRate

(a) Maine, New Hampshire, and Vermont \$ 0.001600

(4) Transport Multiplexing
(DS3 to DS1)
- Per Minute of Use

(a) Maine, New Hampshire, and Vermont 0.000000

(TR 1)

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Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(B) Tandem Switched Transport and Host/Remote Switched Transport (Cont'd)

(5) Host/Remote Transport Termination
- Per Minute of Use

Rate

(a) Maine, New Hampshire, and Vermont \$ 0.000000

(6) Host Remote Transport Facility
- Per Mile, Per Minute

(a) Maine, New Hampshire, and Vermont 0.000000

(TR 1)

Issued: March 17, 2008

Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(B) Tandem Switched Transport and Host/Remote Switched Transport (Cont'd)

	<u>USOC</u>	<u>Monthly Rate</u>
(7) Dedicated Tandem Trunk Port	PT8NX	
(a) Maine, New Hampshire, and Vermont		\$12.50

(TR 1)

Issued: March 17, 2008

Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(C) Direct Trunked Transport

(1) Channel Mileage

		<u>USOC</u>	<u>Monthly Rate</u>	
			<u>Fixed</u>	<u>Per Mile</u>
(a)	Voice Grade (2-Wire and 4-Wire)	1YTES	\$ 20.44	\$ 4.00
(b)	DS1			
	- Maine, New Hampshire, and Vermont	1YTCS	70.00	20.45
(c)	DS3 (Month to Month)			
	- Maine, New Hampshire, and Vermont	1YTDS	825.00	161.25

(TR 1)

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Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(C) Direct Trunked Transport (Cont'd)

(1) Channel Mileage (Cont'd)

(d) DS3 (Base Rates)

	<u>USOC</u>	<u>Fixed</u>	<u>Monthly Rate</u> <u>Per Mile</u>
- Maine, New Hampshire, and Vermont	1YTOS	\$825.00	\$161.25

(TR 1)

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Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(C) Direct Trunked Transport (Cont'd)

(2) Mid-Link

(a) DS1

Nonrecurring Charge

- Maine, New Hampshire, and Vermont	NRBL1	\$ 150.00
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(b) DS3

- Maine, New Hampshire, and Vermont	NRBL3	0.00
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(TR 1)

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(D) Interconnection Charge

(1) Collocated

Rate

(a) Premium Rate

Terminating Per Access Minute \$0.000000

Originating Per Access Minute \$0.000000

(TR 1)

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(D) Interconnection Charge (Cont'd)

(I) Collocated (Cont'd)

(b) Rate
Transitional Rate

Terminating Per Access Minute	\$0.000000
Originating Per Access Minute	\$0.000000

(TR 1)

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(D) Interconnection Charge (Cont'd)

(2) Non Collocated

(a) Rate
Premium Rate

Terminating Per Access Minute	\$0.000000
Originating Per Access Minute	0.000000

(TR 1)

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Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.1 Local Transport (Cont'd)

(D) Interconnection Charge

(2) Non Collocated (Cont'd)

(b) Rate
Transitional Rate

Terminating Per Access Minute	\$0.000000
Originating Per Access Minute	0.000000

(TR 1)

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Effective: April 1, 2008

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ACCESS SERVICE

31. The FairPoint Telephone Companies Rates and Charges (Cont'd)

31.6 Switched Access Service (Cont'd)

31.6.2 Local Switching

(A) Usage

	<u>Rates Per Access Minute</u>
Premium	
- LS1	\$0.002264
- LS2	0.002264
- LS1 - BSA	0.002248
- LS2 - BSA	0.002248
Transitional Rate (FGA and FGB)	0.001019
Transitional Rate (CSL BSA and CST BSA - Option 1)	0.001012
Shared End Office Trunk Port	0.001595

(B) Dedicated Ports

	<u>USOC</u>	<u>Monthly Rate</u>	<u>Nonrecurring Charge</u>
(1) Dedicated End Office Trunk Port	PT8VX	\$ 12.50	None
(2) Common Channel Signaling Access Service STP Port**	PT8SX	450.00	None

(C) Local Switching Installation*

	<u>USOC</u>	<u>Nonrecurring Charge</u>
- Per Line or Trunk	NRBLS	\$1.00

* When the provisions set forth in Section 2.4.7(L) are applicable, the nonrecurring charge will not apply.

** For Common Channel Signaling Access Service, STP Link Termination and Channel Mileage rates and charges also apply. See Section 31.6.1(G) preceding.

(TR 1)

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EXHIBIT 2

Summary of Charges

GNAPS Billing April 1, 2008 thru March 10, 2010

BAN'S	Product Group	APR 08	MAY 08	JUN 08	JULY 08	AUG 08
603-M01-0015-714	Access	\$ 23,022.83	\$ 77,689.77	\$ 23,871.55	\$ 23,602.24	\$ 24,242.34
603-M02-0027-237	Access	\$ 12,155.49	\$ 12,158.27	\$ 106,555.34	\$ 20,123.19	\$ 22,201.51
603-Y55-0054-452	Access	\$ 177,384.30	\$ 357,188.44	\$ 170,942.66	\$ 167,015.81	\$ 186,354.01
603-Y77-0010-819	Access	\$ 11,451.28	\$ 49,008.73	\$ 13,397.85	\$ 13,190.87	\$ 15,050.31
Total		\$ 224,013.90	\$ 496,045.21	\$ 314,767.40	\$ 223,932.11	\$ 247,848.17

GNAPS Billing April 1, 2008 thru March 10, 2010

BAN'S	Product Group	SEP 08	OCT 08	NOV 08	DEC 08	JAN 09
603-M01-0015-714	Access	\$ 28,040.24	\$ 25,741.49	\$ 26,502.52	\$ 26,502.04	\$ 27,026.97
603-M02-0027-237	Access	\$ 22,492.36	\$ 22,318.48	\$ 23,172.09	\$ 22,968.60	\$ 23,721.11
603-Y55-0054-452	Access	\$ 173,527.11	\$ 178,761.93	\$ 194,490.58	\$ 179,594.71	\$ 232,033.87
603-Y77-0010-819	Access	\$ 14,568.75	\$ 14,543.06	\$ 15,027.15	\$ 14,987.26	\$ 15,485.27
Total		\$ 238,628.46	\$ 241,364.96	\$ 259,192.34	\$ 244,052.61	\$ 298,267.22

GNAPS Billing April 1, 2008 thru March 10, 2010

BAN'S	Product Group	FEB 09	MAR 09	May 09	June 09	July 09	Aug. 09
603-M01-0015-714	Access	\$ 21,344.19	\$ 21,344.19	\$21,591.42	\$21,591.42	\$21,811.19	\$21,811.19
603-M02-0027-237	Access	\$ 255.35	\$ 7,039.83	\$7,155.55	\$7,155.55	\$7,258.42	\$7,258.42
603-Y55-0054-452	Access	\$ 46,834.51	-	\$131,718.40	\$66,179.16	\$93,526.32	\$79,699.86
603-Y77-0010-819	Access	\$ 3,211.12	\$ 3,211.12	\$3,097.12	\$ 3,211.12	\$ 3,211.12	\$ 3,211.12
Total		\$ 71,645.17	\$ 31,595.14	\$156,406.94	\$98,137.25	\$125,807.05	\$111,980.59

GNAPS Billing April 1, 2008 thru March 10, 2010

BAN'S	Product Group	Sept. 09	October 09	NOV. 09	DEC. 09	Jan 10
603-M01-0015-714	Access	\$21,811.19	\$ 21,728.78	\$ 21,728.78	\$ 21,728.78	\$ 21,728.78
603-M02-0027-237	Access	\$7,258.42	\$ 7,219.85	\$ 7,219.85	\$ 7,335.27	\$ 7,335.27
603-Y55-0054-452	Access	\$72,940.04	\$ 81,863.90	\$ 71,485.37	\$ 88,141.75	\$ -
603-Y77-0010-819	Access	\$ 3,211.12	\$ 3,211.12	\$ 3,211.12	\$ 3,211.12	\$ -
Total		\$105,220.77	\$ 114,023.65	\$ 103,645.12	\$ 120,416.92	\$ 29,064.05

GNAPS Billing April 1, 2008 thru March 10, 2010

BAN'S	Product Group	Feb. 10	Mar. 10
603-M01-0015-714	Access	\$ 21,976.01	\$ 21,976.01
603-M02-0027-237	Access	\$ 7,335.57	\$ 7,335.57
603-Y55-0054-452	Access	\$ 146,312.40	\$ 131,428.40
603-Y77-0010-819	Access	\$ 3,532.23	\$ 3,211.12
Total		\$ 152,548.02	\$ 164,241.53
			\$ 4,172,844.58