

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

DT 10-137

**NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC
D/B/A FAIRPOINT COMMUNICATIONS-NNE**

Petition for Authority to Disconnect Service to Global NAPs, Inc.

ORDER OF NOTICE

On May 14, 2010, Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (FairPoint) filed with the New Hampshire Public Utilities Commission (Commission) a motion for authority to disconnect service to Global NAPs, Inc. and any of its affiliates (Global NAPs) that interconnect with FairPoint in the State of New Hampshire, effective June 22, 2010. In support of its motion, FairPoint states that call detail records show that from April 2008 through May 2010, inclusive and continuing, Global NAPs has sent terminating traffic to all exchanges served by FairPoint in New Hampshire. FairPoint adds that its records establish that the traffic in question includes both intrastate and interstate traffic minutes for which Global NAPs has failed to pay applicable charges under FairPoint's interstate and intrastate tariffs, charges that totaled approximately \$4,172,845 for traffic terminated by Global NAPs in FairPoint exchanges as of March 10, 2010. According to FairPoint, it has attempted since April 2008 to resolve this billing dispute with Global NAPs to no avail. Excerpts from relevant tariffs and summaries of charges at issue were attached to FairPoint's motion.

On May 25, 2010, Global NAPs filed its opposition to FairPoint's motion and requested a proceeding that includes discovery and an evidentiary hearing. In support of its request, Global

NAPs states that it has an interconnection agreement (ICA) with FairPoint that governs the services at issue. According to Global NAPs, its traffic consists of nomadic VoIP traffic and is not subject to access charges under FairPoint's interstate or intrastate tariffs, but to the provisions of the ICA. Global NAPs further asserts that its traffic is subject to a VoIP rate of 0.00045 cents per minute of use. Attached to its objection, Global NAPs provided select provisions of its ICA with FairPoint, e-mail correspondence with FairPoint, and correspondence concerning a case involving similar issues in New York.

On May 27, 2010, TDS filed a letter in Docket No. DT 08-028 in support of FairPoint's motion in this proceeding. In its letter, TDS requests that the Commission grant FairPoint's motion without further hearing and, in the event the Commission is unable to promptly grant the FairPoint motion, that it direct FairPoint to cooperate with TDS in the prompt disconnection of Global NAPs from the TDS networks in New Hampshire pursuant to Commission Order No. 25,043 (November 10, 2009).

On June 4, 2010, FairPoint filed a motion to strike Global NAPs' May 25, 2010 opposition filing as non-responsive or, in the alternative, to deny the filing as irrelevant and an impermissible third request for rehearing. FairPoint further reiterates its request that the Commission approve its motion for authority to disconnect service to Global NAPs.

The Commission takes administrative notice that the FairPoint-Global NAPs ICA is on file with the Commission as negotiated between Verizon NH and Global NAPs and filed on January 17, 2003, in Docket No. DT 02-107. Global NAPs is hereby directed to file copies of the notices it provided to FairPoint pursuant to the requirements of Sections 9.3 and 14.1 at pages 5-6 and 9 of the ICA concerning the billed amounts it disputes in this proceeding and the specific details and reasons for disputing each item. Global NAPs is also directed to provide evidence of

payment of any undisputed charges FairPoint has billed and Global NAPs has paid in accordance with Section 9.3.

The filings raise, inter alia, issues related to interpretation of the ICA between FairPoint and Global NAPs, the nature of the traffic at issue, and the appropriate charges, if any, for the services rendered by FairPoint on behalf of Global NAPs. Each party has the right to be represented by an attorney at its own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on June 30, 2010 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that Global NAPs provide, by June 18, 2010, copies of the notices it provided to FairPoint pursuant to the requirements of Sections 9.3 and 14.1 of the ICA concerning the amounts in dispute and the specific details and reasons for disputing each item; and it is

FURTHER ORDERED, that Global NAPs provide, by June 18, 2010, evidence of payment of any undisputed charges FairPoint has billed and Global NAPs has paid in accordance with Section 9.3 of the ICA; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, FairPoint, Global NAPs, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow FairPoint and Global NAPs to provide any amendments or updates to their filings; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, FairPoint shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than June 14, 2010, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before June 30, 2010; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to FairPoint, Global NAPs, and the Office of the Consumer Advocate on or before June 25, 2010, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32,I (b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before June 30, 2010.

By order of the Public Utilities Commission of New Hampshire this ninth day of June, 2010.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.