

Orr&Reno

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April 7, 2006

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(Retired)

VIA HAND DELIVERY

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Debra A. Howland, Executive Director and Secretary
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

***Re: DT 05-083 and DT 06-012, Verizon NH Wire Center
Investigation and Verizon NH Revisions to Tariff 84***

Dear Ms. Howland:

Enclosed for filing on behalf of BayRing Communications, Inc. and segTEL, Inc. in the above-captioned consolidated dockets, please find an original and 8 copies of a Motion for Rehearing and Motion for Consolidation, as well as an original and 8 copies of a Notice of Concurrence.

Very truly yours,


Susan S. Geiger

Susan S. Geiger
(Of Counsel)

Enclosures
cc: Service List

THE STATE OF NEW HAMPSHIRE
BEFORE
THE PUBLIC UTILITIES COMMISSION

Docket Nos. DT 05-083 and DT 06-012

VERIZON NEW HAMPSHIRE
WIRE CENTER INVESTIGATION

VERIZON NEW HAMPSHIRE
REVISIONS TO TARIFF 84

Notice of BayRing Communications, Inc.'s and segTEL, Inc.'s
Concurrence With
Motion for Rehearing and/or Reconsideration
filed by Conversent Communications of New Hampshire, LLC, et al.

BayRing Communications, Inc. (BayRing) and segTEL, Inc. (segTEL) hereby provide notice to the New Hampshire Public Utilities Commission (Commission) that they concur with the relief sought by Conversent Communications of New Hampshire, LLC et al. in their Motion for Rehearing and/or Reconsideration dated March 29, 2006 and filed in the above-captioned matter.

Respectfully submitted,

BayRing Communications, Inc. and
segTEL, Inc.

By their attorneys,

Orr & Reno, P.A.

One Eagle Square

Concord, NH 03302-3550

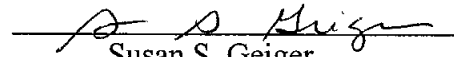
Telephone: 603-223-9154

By: 
Susan S. Geiger

April 7, 2006

Certificate of Service

I hereby certify that a copy of the foregoing Notice of Concurrence has on this 7th day of April, 2006 been mailed postage prepaid to the service list in this matter.


Susan S. Geiger

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

Docket Nos. DT 05-083 and DT 06-012

**VERIZON NEW HAMPSHIRE
WIRE CENTER INVESTIGATION**

**VERIZON NEW HAMPSHIRE
REVISIONS TO TARIFF 84**

**Motion for Rehearing
and
Motion For Consolidation With DT 06-020**

NOW COME BayRing Communications, Inc. (BayRing) and segTEL, Inc., (segTEL), by and through their undersigned attorneys, and respectfully move the New Hampshire Public Utilities Commission (Commission) to grant rehearing on a limited portion of its Order Classifying Wire Centers and Addressing Related Matters (Order No. 24, 598 issued March 10, 2006) (Wire Center Order) and to consolidate such rehearing proceeding with Docket DT 06-020. In support of these Motions, BayRing and segTEL state as follows:

1. In the Wire Center Order, the Commission determined that “Manchester is classified as a tier 1 because there are more than 38,000 business lines...” *Wire Center Order*, at 45. The Wire Center Order also states that “...we have no information on the record other than Verizon’s assertion concerning Manchester, which supports our determination that Manchester is a tier 1 wire center for transport.” *Wire Center Order* at 44-45.

2. On March 17, 2006, the Commission issued an Order of Notice in Docket DT 06-020 (Order of Notice) which indicates that one of the issues raised by Verizon’s filing in that docket is “whether Verizon’s method for counting business lines in Concord is in compliance with the TRRO definitions codified at 47 C.F.R. §51.5...”. *Order of Notice* at 2.

3. Under RSA 541:4, a motion for rehearing must demonstrate that the “order complained of is unlawful or unreasonable.” The Commission may grant such request if it opines that good reason for the rehearing is stated in the motion. *See* RSA 541:3. The Commission must grant the motion if the motion demonstrates that the Commission’s decision is unlawful, unjust or unreasonable. *See* Admin. Rule Jus 813.04 (a).

4. Because the Wire Center Order contained no analysis of whether Verizon's method for counting business lines in Manchester is in compliance with the applicable TRRO definitions and FCC rules, and because the Commission itself has identified for investigation in DT 06-020 the substantive issue of Verizon's business line counting methodology, the portion of the Wire Center Order which deals with Manchester's classification as a tier 1 wire center based on Verizon's bald assertion regarding business line count is unjust and unreasonable. Therefore, good reason exists for rehearing the issue of whether Manchester's business line count was conducted properly and whether Manchester should be classified as a tier 1 wire center.

5. The Commission has held that good reason for rehearing may be shown by identifying specific matters that were either "overlooked or mistakenly conceived" and "must be more than merely reasserting prior arguments and requesting a different outcome." *In re Verizon New Hampshire – Investigation of Verizon New Hampshire's treatment of Yellow Pages Revenues*, DT 02-165, Order on Motion for Rehearing and/or Reconsideration, Order No. 24, 385 (October 29, 2004) at 14. In the instant action, the issue of line count was never fully argued or litigated. Nor does the record reflect that Verizon's business line data for the Manchester wire center was ever independently verified by Staff or any other party. When the parties and Staff were developing an outline of issues to be briefed in this matter, they focused on a number of important issues but failed to identify the issue of the proper methodology for counting business lines. In light of the foregoing, good reason for rehearing exists.

6. For the sake of administrative convenience and consistency, BayRing and segTEL respectfully request that such rehearing be consolidated with DT 06-020, so that the appropriate business line count methodology can be applied to both the Manchester and Concord wire centers.

7. BayRing and segTEL further request that the Commission, pursuant to RSA 541:5, suspend that portion of the Wire Center Order that declares Manchester a tier 1 wire center pending further consideration of that issue in DT 06-020 or in such other proceeding as the Commission deems appropriate.

WHEREFORE, BayRing and segTEL respectfully request that the Commission:

- A. Grant rehearing of the issue of the tier 1 classification of the Manchester wire center based on the number of business lines therein;
- B. Consolidate the rehearing of the foregoing issue with the portion of the proceedings in DT 06-020 dealing with the appropriate method for counting business lines when making a wire center impairment determination;
- C. Suspend that portion of the Wire Center Order that classifies Manchester as a Tier 1 wire center until such time as the issue of the proper methodology for counting business lines is finally resolved in DT 06-020 or in such other appropriate proceeding; and
- D. Grant such further relief as the Commission deems appropriate.

Respectfully submitted,

BayRing Communications, Inc. and
segTEL, Inc.

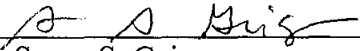
By their attorneys,

Orr & Reno, P.A.

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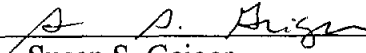
Telephone: 603-223-9154

By: 
Susan S. Geiger

April 7, 2006

Certificate of Service

I hereby certify that a copy of the foregoing Motion has on this 7th day of April, 2006 been mailed postage prepaid to the service list in this matter.


Susan S. Geiger