

State of New Hampshire
Public Utilities Commission

DT 07-027

Kearsarge Telephone Company, Inc.
Wilton Telephone Company, Inc.
Hollis Telephone Company, Inc.
Merrimack County Telephone Company

Petitions For An Alternative
Form of Regulation

**Motion of Intervenor Daniel Bailey
To File Brief Response To Information
In Reply Briefs Which Is Not In The Record**

Intervenor, Daniel Bailey, by his counsel, New Hampshire Legal Assistance, requests leave to file a brief response to information contained in the Reply Briefs of Petitioners, Staff, and segTel which does not appear in the record in these proceedings, and sets forth the following in support of this Motion:

1. The Reply Brief of Petitioners (page 9), the Reply Brief of segTel (pages 2, 3), and the Post-Hearing Reply Brief by Staff of the Commission (page 10) all refer to a CLEC Form 10 Application filed with the Commission by Comcast dated December 11, 2007 For Registration as a Competitive Local Exchange Carrier (CLEC) in certain towns served by the TDS Petitioners.
2. The above Comcast Application is not part of the record in these proceedings.
3. The record in these proceedings was closed on December 5, 2007 except for the filing of post-hearing briefs (Tr. Day 2, p. 170, ll. 16-18).

4. Intervenor Daniel Bailey was not afforded the opportunity to comment on the relevance and significance, if any, of the Comcast Form 10 CLEC Application.

5. The denial of an opportunity for Intervenor Bailey to comment on the Comcast Form 10 CLEC Application would raise due process concerns in this proceeding.

6. Intervenor Bailey does not object to the Commission's taking administrative notice of the above Comcast Form 10 CLEC Application, but seeks the opportunity to file a brief response by February 15, 2008 pursuant to Commission Rule Puc 203.27(c).

7. The interests of justice would be served by allowing Intervenor Bailey to file a brief response by February 15, 2008 as set forth above.

8. These proceedings would not be unduly delayed by allowing Intervenor Bailey to file a brief response as set forth above.

9. Allowing Intervenor Bailey to file a brief response as set forth above would not prejudice any party to these proceedings.

10. Intervenor Bailey's Brief Response To Information In Reply Briefs Which Is Not In The Record is attached hereto and is incorporated by reference herein.

11. Counsel for Intervenor Bailey has notified Staff and the parties herein of his intention to file this Motion and accompanying Brief Response by February 15, 2008.

The positions of Staff and parties are set forth below:

- 1) Staff: No objection
- 2) Petitioners: No objection
- 3) OCA: Concur
- 4) segTel: No response
- 5) Comcast: No objection

- 6) Union Telephone: No response
- 7) Granite State Telephone: No response

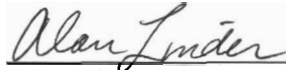
Wherefore, Intervenor Bailey requests that the Commission grant the following relief:

- A. Grant the within Motion and allow Intervenor Bailey to file a Brief Response as described above by February 15, 2008.
- B. Grant such other relief as is reasonable and just.

Respectfully submitted,

Daniel A. Bailey, Intervenor
By His Attorney,

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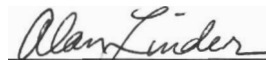
Daniel Feltes *by AL*
dfeltes@nhla.org

Dated: February 14, 2008

Certification Of Service

I certify that on this date this Motion was filed with the Commission and was served electronically on Staff and all parties on the service list in this docket.

New Hampshire Legal Assistance



Alan Linder
Attorney for Intervenor Bailey

February 14, 2008