

Attorneys at Law

# PRIMMER PIPER EGGLESTON & CRAMER PC

Burlington

Montpelier

St. Johnsbury

Victoria J. Brown  
James E. Clemons  
Anne E. Cramer  
Denise J. Deschenes  
Jon R. Eggleston

Gary L. Franklin  
Jeffrey P. Johnson  
Gary F. Kamedy  
Paul J. Phillips  
William B. Piper

Stephen A. Reynes  
Keith A. Roberts  
Gail E. Westgate  
Douglas J. Wolinsky  
Russell A. Young

Alexandra Bolanis  
Andrew K. Braley  
Elijah D. Emerson  
Keith M. Jones

Cassandra C. LaRae-Perez  
Jesse L. Moorman  
Lagretta D. Nickles

Amanda S. Rosenfeld  
Randall L. Wachsmann  
Joslyn L. Wilschek

**Of Counsel**  
Gary H. Barnes, P.A.  
Leo A. Bisson  
Gregory S. Clayton

Gregory M. Eaton  
Shireen T. Hart  
Kevin M. Henry (DC, VA)  
Neil Wheelright

**Government Relations**  
James F. Feehan, Director  
Jonathan D. Wolff  
Amy E. Mason

## VIA FIRST-CLASS MAIL

January 20, 2009

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301



Re: Docket No. DT 08-028 (Joint Petition of Hollis Telephone Company, Inc., et al.)

Dear Ms. Howland:

I write on behalf of Hollis Telephone Company, Inc., Kearsarge Telephone Company, Merrimack County Telephone Company, and Wilton Telephone Company, Inc. (the "Joint Petitioners" or, collectively, "TDS"), to update the Commission on the status of commercial relations between the Joint Petitioners and Global NAPs, Inc. ("GNAPs"), the Respondent in this proceeding.

**The Joint Petitioners also respectfully ask, for the reasons stated below, that the Commission order GNAPs immediately to post a performance bond equal to 10% of the amount now due and owing to the Joint Petitioners for services presently under review by the Commission in this proceeding.**

The Commission is familiar with the course of docket proceedings in this matter, which the Joint Petitioners need not review in detail. Briefly, following the successful completion of a Joint Stipulation of Facts by and among all parties, the parties completed legal briefing on October 6, 2008, and are presently awaiting a Commission order in this matter.

During the pendency of these proceedings, Respondent has continued to deliver traffic for termination in the exchanges served by the Joint Petitioners in New Hampshire. The amount due and owing by GNAPs to the Joint Petitioners, which was calculated to be \$192,644.25 at the commencement of this case, has now grown to **\$410,613.12** as of January 1, 2009. Respondent continues to incur new charges for terminating its traffic in the New Hampshire exchange of the Joint Petitioners, and in fact has increased the volume of such traffic, such that GNAPs is now incurring new charges at the rate of nearly **\$25,000 per month** (up from a rate of approximately \$12,000 per month at the commencement of this proceeding). GNAPs still refuses to pay the Joint Petitioners anything for the termination services provided by the Joint Petitioners.

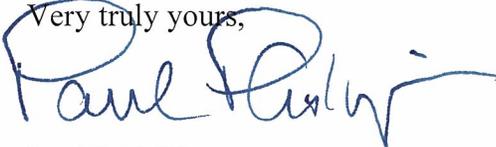
On January 15, 2009, the TDS Carrier Service Center received a request from GNAPs to port a New London telephone number to GNAPs. TDS rejected the request because GNAPs is not presently authorized to provide local exchange service in the New London exchange. TDS also notes, in this regard, that GNAPs certified, in its data responses to Staff in this proceeding, that GNAPs does not provide end-user services to customers other than enhanced services providers ("ESPs"). See GNAPs Response to Staff Data Request #3 (submitted June 9, 2008, and admitted into evidence by Stipulation of Facts dated July 15, 2008).

TDS is concerned that GNAPs' accrual of unpaid charges and its other unauthorized activities in New Hampshire will continue and will increase so long as the issues in DT 08-028 remain unresolved. While confident that the Commission will act promptly to resolve the longstanding dispute in this matter, TDS now believes that a performance bond is necessary to protect the interests of the Joint Petitioners and their ratepayers.

As detailed in TDS's Motion to Compel (dated August 5, 2008) and its Initial Brief (dated September 29, 2008), GNAPs is presently subject to adjudicative orders requiring it to pay tens of millions of dollars in past-due payments to carriers in other states. In New Hampshire, the arrearage that GNAPs owes to TDS has grown sufficiently large that a failure to pay will have a significant impact on TDS's ratepayers. To mitigate this risk, TDS asks the Commission to order GNAPs to post a 10% bond (in the amount of \$41,061.31), to be paid to TDS in the event the Commission enters judgment in favor of TDS but GNAPs defaults in such judgment.

Thank you for your attention to this matter. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Paul J. Phillips". The signature is written in a cursive style with a large initial "P".

Paul J. Phillips  
Enclosure

cc: Attached Service List, Docket No. DT 08-028 (copies e-mailed where shown)

State of New Hampshire  
Before the New Hampshire Public Utilities Commission

DT 08-028

Joint Petition of Hollis Telephone Company, Inc., Kearsarge Telephone  
Company, Merrimack County Telephone Company, and Wilton  
Telephone Company, Inc., for Authority to Block the Termination  
of Traffic from Global NAPs, Inc., to Exchanges of the Joint  
Petitioners in the Public Switched Telephone Network

---

SERVICE LIST

Original + 8 hardcopies + E-mail:

Debra A. Howland  
Executive Director & Secretary  
N.H. Public Utilities Commission  
21 S. Fruit St., Suite 10  
Concord, NH 03301-2429  
[executive.director@puc.nh.gov](mailto:executive.director@puc.nh.gov)

(For Discovery Matters, 1 copy to:  
Librarian  
N.H. Public Utilities Commission  
21 S. Fruit St., Suite 10  
Concord, NH 03301-2429)

1 Copy Each (or by E-mail if E-mail Address  
Shown):

F. Anne Ross, Esq.  
Director, Legal Division  
New Hampshire Public Utilities Commission  
21 S. Fruit Street Suite 10  
Concord, NH 03301  
(603) 271-6005  
[F.Anne.Ross@pec.nh.gov](mailto:F.Anne.Ross@pec.nh.gov)

James R. J. Scheltema, Esq.  
Vice President, Regulatory Affairs  
Global NAPs, Inc.  
4475 Woodbine Road, Suite 7  
Pace, FL 32571  
[jscheltema@gnaps.com](mailto:jscheltema@gnaps.com)

Kathryn M. Bailey  
Director of Telecommunications  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301  
(603) 271-2431  
[kate.bailey@puc.nh.gov](mailto:kate.bailey@puc.nh.gov)

David J. Shulock, Esq.  
Robert A. Olson, Esq.  
Brown, Olson & Gould, P.C.  
2 Delta Drive, Suite 301  
Concord, NH 03301  
[dshulock@bowlaw.com](mailto:dshulock@bowlaw.com)  
[rolson@bowlaw.com](mailto:rolson@bowlaw.com)

David Goyette  
Utility Analyst II  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301  
(603) 271-6325  
[David.Goyette@puc.nh.gov](mailto:David.Goyette@puc.nh.gov)

William Rooney, Jr., Esq.  
Vice President & General Counsel  
Global NAPs, Inc.  
89 Access Road, Suite B  
Norwood, MA 02062  
[wrooney@gnaps.com](mailto:wrooney@gnaps.com)

Meredith A. Hatfield  
Office of Consumer Advocate  
21 S. Fruit St, Suite 18  
Concord, NH 03301-2429  
(603) 271-1174  
[meredith.hatfield@puc.nh.gov](mailto:meredith.hatfield@puc.nh.gov)

Frederick J. Coolbroth, Esq.  
Devine, Millimet & Branch  
Professional Association  
43 North Main Street  
Concord, NH 03301  
[fcoolbroth@devinemillimet.com](mailto:fcoolbroth@devinemillimet.com)  
(for NHTA)

DT 08-028 Service List (cont.)

Darren R. Winslow, Controller  
Union Communications  
7 Central St., P.O. Box 577  
Farmington, NH 03835-0577  
[dwinslow@utel.com](mailto:dwinslow@utel.com)  
*(for Union Telephone and BayRing)*

Robin E. Tuttle, Esq.  
Director of Federal Affairs &  
Assistant General Counsel  
FairPoint Communications, Inc.  
521 East Morehead Street, Suite 250  
Charlotte, NC 28202  
(704) 227-3665  
[rtuttle@fairpoint.com](mailto:rtuttle@fairpoint.com)

Michael Morrissey, Esq.  
Legal Department  
FairPoint Communications, Inc.  
155 Gannett Drive  
South Portland, ME 04106  
[mmorrissey@fairpoint.com](mailto:mmorrissey@fairpoint.com)

Kath Mullholand  
Director of Operations  
segTEL, Inc.  
P.O.Box 610  
Lebanon, NH 03766  
[kath@segTEL.com](mailto:kath@segTEL.com)

Paul J. Phillips, Esq.  
Cassandra LaRae-Perez, Esq.  
Primmer Piper Eggleston & Cramer PC  
100 East State St., P.O. Box 1309  
Montpelier, VT 05601-1309  
(802) 223-2102  
[pPhillips@ppeclaw.com](mailto:pPhillips@ppeclaw.com)  
[claraeperez@ppeclaw.com](mailto:claraeperez@ppeclaw.com)  
*(for Joint Petitioners)*

Peter R. Healy, Esq.  
Corporate and Regulatory Counsel  
TDS Telecom  
525 Junction Road, Suite 7000  
Madison, WI 53717  
[peter.healy@tdsmetro.com](mailto:peter.healy@tdsmetro.com)

Michael C. Reed  
Manager, External Relations  
TDS Telecom  
7½ Depot Square  
Northfield, VT 05663  
[mike.reed@tdstelecom.com](mailto:mike.reed@tdstelecom.com)