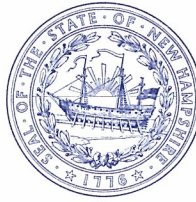


THE STATE OF NEW HAMPSHIRE

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Thomas B. Getz

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Clifton C. Below  
Amy L. Ignatius

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



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1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

December 16, 2009

Re: 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 Petitioners' Exchanges on the Public Switched Telephone Network

To the Parties:

On December 2, 2009, Steven M. Gordon, Esq. of the law firm of Shaheen & Gordon, P.A. filed an appearance and motions on behalf of Global Naps, Inc. in the above referenced proceeding. Prior to joining the Commission in 2005, Commissioner Below had a professional contact with Attorney Gordon when Attorney Gordon, along with several other attorneys, represented then State Senator Below and a number of other senators in a suit against the New Hampshire Secretary of State regarding redistricting of the senatorial districts. *See Below v. Secretary of State*, 148 N.H. 1 (2002). This suit was concluded in 2002 and Commissioner Below has not otherwise been represented by Attorney Gordon.

There are two statutory provisions in Title XXXIV that pertain to disqualification. RSA 363:12, VII states that a commissioner shall "[d]isqualify himself from proceedings in which his impartiality might be reasonably questioned." RSA 363:19 states that "[n]o commissioner shall sit upon the hearing of any question which the commission is to decide in a judicial capacity who would be disqualified for any cause, except exemption from service and knowledge of the facts involved gained in the performance of his official duties, to act as a juror upon the trial of the same matter in an action of law." RSA 500-A:12, II, in turn, states that if a "juror is not indifferent, he shall be set aside." Puc 202.09 further provides that a commissioner shall withdraw from a proceeding or matter on his or her own initiative or upon motion of any party "for good cause." Good cause exists if a commissioner, among other circumstances, "[p]ersonally believes that he or she cannot fairly judge the facts of a case."

While Commissioner Below believes himself to be indifferent to the outcome of this proceeding and believes that he can fairly judge the facts of this case, he acknowledges the potential that some party to the proceeding might question his impartiality. Accordingly, Commissioner Below asks that any interested party indicate, prior to December 21, 2009, if

they believe his impartiality might reasonably be questioned or other good cause or legal basis exists for him to disqualify himself and withdraw from this case.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being more prominent.

Debra A. Howland  
Executive Director

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Docket #: 08-028      Printed: December 16, 2009

**FILING INSTRUCTIONS:    PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),**  
**WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:**

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**PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY**

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