

THE STATE OF NEW HAMPSHIRE

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January 22, 2013

RE: DT 12-337, Northern New England Telephone Operations, LLC d/b/a FairPoint
Communications - NNE
Order No. 25,456

To the Parties:

Enclosed is revised page 6 of Order No. 25,456 (January 17, 2013). On page 6, line 10,
reference to RSA 365:19 and 374:4 has been deleted.

All other portions of this order remain unchanged. Please substitute the enclosed revised
page to your copy of Order No. 25,456.

Very truly yours,

A handwritten signature in black ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director and Secretary

Enclosure
cc: Service List
Docket File

such an abbreviated schedule. Filing a tariff change under 378:6, IV is only one method of seeking Commission review of a tariff. FairPoint could instead have petitioned for an investigation, followed by filing a tariff that conforms to the findings of the investigation.³ This approach would have allowed the Commission to designate companies with the confidential information required to complete the record, as necessary parties. FairPoint could then have conducted discovery on all companies collocated in its wire centers, rather than relying upon a Staff investigation to meet FairPoint's burden of proof.

3. FairPoint has a right under federal law to reclassify its wire centers and under state law to sell its wholesale services through the use of filed tariffs. The Commission finds that, under the circumstances of this case, an investigation under RSA 365:5, is appropriate and necessary to secure and implement those rights. Accordingly, the Commission will open an investigation, and will require all collocating companies identified by FairPoint in its tariff filing to participate. To ensure that the time expended and efforts made in this docket are not lost, the Commission will use this docket for its investigation and will require parties upon whom discovery has been served in this docket to respond fully. All such discovery shall be treated as if made during the investigation. To provide FairPoint the tools required to make its necessary showing, and for Staff to conduct the level of verification it believes advisable, the Commission will permit the parties to conduct discovery limited to (1) whether the collocated facilities identified in FairPoint's tariff filing meet the relevant criteria for reclassifying each wire center and (2) whether the collocating entities are independent of each other.

³ Alternatively, FairPoint could prevail upon Staff to help organize stakeholder meetings to develop consensus regarding tariff changes before complicated or controversial tariff filings are made.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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