

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-120

FAIRPOINT COMMUNICATIONS, INC.

Intrastate Access Rate Reform

Order on Motion to Amend Procedural Schedule

ORDER NO. 25,362

May 11, 2012

On April 20, 2012, Staff of the Commission submitted a memorandum to the Commission noting various requirements created by the Federal Communications Commission (FCC) relative to intrastate access rate reform in a recent order. *See Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, (rel. Nov. 18, 2011) (CAF Order). Relevant to this order, Staff recommended that the Commission issue an order requiring all carriers intending to charge intrastate access after July 1, 2012, to supply certain revenue and demand information, by May 15, 2012, and file proposed tariff changes with supporting documentation by June 1, 2012. On April 23, 2012, the Commission, by secretarial letter, ordered that the carriers supply the revenue and demand information and the tariff and supporting documentation in the timeframes requested by Staff. The secretarial letter noted that as filings are submitted each would be assigned a separate docket number.

On May 3, 2012, FairPoint Communications, Inc. (FairPoint) filed a motion requesting that the Commission extend the deadline for providing the calculations by two weeks, from May 15, 2012 to May 29, 2012. The motion was docketed as DT 12-120. FairPoint contended that it

has 30 operating companies in 18 states that must each supply this information to the respective state regulatory authority. FairPoint also stated that the new tariffs and supporting documentation, including the tariff review plan required for filing its federal access tariff, is an extensive undertaking requiring the compilation and analysis of significant amounts of data. FairPoint also stated that this compilation and analysis requires a consolidated effort by the single department within FairPoint's parent organization that produces these documents and that it would not be in a position to produce the information that the Commission requested, in the format it requested, by May 15, 2012. FairPoint stated that, if granted the extension, it would still file proposed new tariffs by June 1, 2012.

On May 7, 2012, Staff objected to FairPoint's motion. According to Staff, FairPoint's request was phrased such that, if granted, the filing date for all carriers would be extended. As to FairPoint specifically, Staff contended that FairPoint had not shown why the extension was necessary because FairPoint already has all of the necessary information, as well as the methodology for using the information, to make the calculations. In addition, Staff stated that if it must wait for the calculations it was not certain that its review of them could be completed in time. This could result in Staff having to seek an extension of the review, which could mean FairPoint's tariff would not comply with the FCC's order on July 1, 2012. Lastly, Staff pointed out that other states have required similar information on similar timeframes and that the timetable in New Hampshire was not unreasonable or out of line with other states. Staff argued that, without a more compelling reason than FairPoint had given, an extension was not warranted.

Despite the above, Staff stated that if the Commission were inclined to grant an extension, it should be limited to one week, rather than two. In addition, Staff requested that any extension be applicable only to FairPoint and that FairPoint be required to file the new tariff on the same day as all underlying calculations. In the case of a one week extension, Staff urged that the tariff filing date be May 22, 2012.

For the reasons that follow we grant FairPoint a one week extension, to May 22, 2012, to file its supporting calculations. As noted by Staff, FairPoint is the largest independent local exchange carrier (ILEC) in New Hampshire and as such it may offer a wider array of services than other carriers. As a result, its filing would be more complex and time consuming to produce and evaluate. Further, because similar information must be produced for FairPoint's other companies we understand that there may be a need for additional time on some filings. For the sake of clarity, though the calculations are now due May 22, 2012, we will continue to require FairPoint to file its new tariff and any supporting documentation, including information about the new rates and the applicable rate structure, on or before June 1, 2012, as originally required.

Despite this, we note that as these filings are received from numerous companies Staff will have only a limited time to review the calculations and the resulting tariffs to determine whether they comply with the FCC's requirements. As Staff has noted, delaying its ability to review the required calculations will likewise hinder the review necessary to implement the new tariffs by July 1, 2012 as the FCC has ordered and may result in the tariffs not being compliant after July 1. This order does not address what the effect would be if FairPoint were not able to meet the May 22 filing requirement, and the new tariff was not implemented on time, other than to note the potential issue. At a minimum, however, it appears that any previously existing tariff

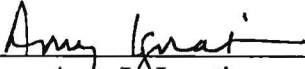
would be illegal beyond July 1 because those rates would not reflect the reductions mandated by the FCC.

Accordingly, the Commission encourages FairPoint to file the required information as soon as possible and grants FairPoint an extension of up to one week, to May 22, 2012, for the submission of its calculations for review. We note that we do not take this request lightly and that going forward should FairPoint, or any other carrier, request an extension such request must be supported by a compelling reason.

Based upon the foregoing, it is hereby

ORDERED, the Commission grants FairPoint an extension of up to one week, to May 22, 2012, for the submission of its calculations of certain revenue and demand information concerning its intrastate access tariff for review.

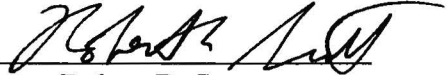
By order of the Public Utilities Commission of New Hampshire this eleventh day of May, 2012.



Amy L. Ignatius
Chairman

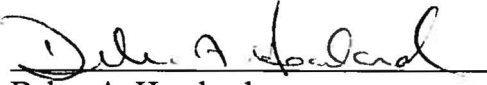


Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director