

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

In the Matter of)	
)	
FREEDOM RING COMMUNICATIONS, LLC)	DT 06-067
D/B/A BAYRING COMMUNICATIONS)	
)	
Complaint Against Verizon New Hampshire)	
Re: Access Charges)	

PETITION TO INTERVENE

Global Crossing Telecommunications, Inc. (“Global Crossing”), by its undersigned counsel, hereby petitions to intervene in the above-captioned proceeding pursuant to PUC 203.17 and RSA 541-A:32. Global Crossing also requests that this petition be treated as a petition for reparations pursuant RSA 365:29.

Global Crossing is an interexchange carrier authorized to provide intrastate toll services in New Hampshire¹ and has, for period of years, paid carrier common line (“CCL”) charges assessed by Verizon on calls that appear not to have originated or terminated on local loops operated by Verizon. The Commission has determined in this proceeding that Verizon may not assess CCL charges on such calls. *See* Order No. 24,837 (Mar. 21, 2008); Order No. 24,886 (Aug. 8, 2008). Global Crossing, like certain existing parties in this proceeding, is therefore entitled to restitution for CCL charges that Verizon billed inappropriately. By intervening in Phase 2 of this proceeding, concerning Verizon’s liability, Global Crossing is seeking to recover the amounts to which it is entitled.

¹ *See Allnet Communication Services, Inc.*, DE 95-094, Order No. 21,642 (May 2, 1995). Global Crossing is the successor-in-interest to Allnet Communication Services, Inc.

According to RSA 541-A:32, a petition for intervention shall be granted if “the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding” and “the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” Both prongs of this test are met in the case of Global Crossing.

First, Global Crossing clearly has substantial interests that are affected by Phase 2 of this proceeding. In Order No. 24,837, the Commission held that, in accordance with the plain language of Verizon’s Tariff 85 governing intrastate access services, “the CCL charge may be applied only when Verizon provides the use of its common line.” Order No. 24,837, at 31. As a result, the Commission concluded that Verizon has wrongfully imposed CCL charges on certain carriers and that Verizon owes such carriers restitution. *Id.* at 32. The Commission will be determining the extent to which such restitution should be made in the upcoming Phase 2 of this proceeding. *Id.* at 32-33. Because Global Crossing has been damaged by Verizon’s wrongful imposition of CCL charges, Global Crossing clearly has substantial interests at stake in Phase 2.

Second, allowing Global Crossing to intervene in this proceeding will serve the interests of justice, will not prejudice the rights of any existing parties, and will not impair the orderly and prompt conduct of this proceeding. The purpose of Phase 2 is to determine the extent to which Verizon will be required to make restitution to affected carriers. Because Global Crossing is an affected carrier, the interests of justice require that it be allowed to participate in Phase 2. Global Crossing’s participation will not prejudice the rights of any existing parties or impair the conduct of the proceedings because Global Crossing will, like the other parties, seek to demonstrate the extent of its damages resulting from Verizon’s inappropriate assessment of CCL charges.

The fact that Global Crossing did not participate in Phase 1 of this proceeding is no bar to its participation in Phase 2. *See, e.g., Concord Elec. Co.*, DE 01-247, Order No. 24,046, at 8 (Aug. 28, 2002) (noting the grant of a petition to intervene for Phase 2 of the proceeding). Global Crossing's carrier access organization, which oversees access cost issues for the company throughout its entire North American footprint, only recently became aware of this proceeding. But even if Global Crossing had sought to intervene during Phase 1, it would have done so to advocate in favor of the determination the Commission made in Order No. 24,837 concerning Verizon's CCL charges. Because the Commission has already reached that conclusion, the extent to which Global Crossing did or did not participate prior to now is moot. The question in Phase 2 is damages, and Global Crossing is entitled to participate in that phase as a carrier that has been damaged by Verizon's wrongful assessment of CCL charges.

In Order No. 24,705 in this proceeding, the Commission said that “[f]or purposes of Phase II, we will treat petitions for intervention in this docket as petitions for reparation under RSA 365:29, upon request of the intervenor.” Order No. 24,705, at 6 (Nov. 29, 2006). Global Crossing therefore requests that this Petition to Intervene also be treated as a petition for reparation under RSA 365:29. The Commission also directed parties intending to seek reparations to submit a calculation of the estimated financial impact of the disputed Verizon CCL charges. *Id.* at 6-8. Global Crossing is currently preparing that information and will submit it in this proceeding, along with the necessary explanatory materials and worksheets, at a future time consistent with the schedule to be adopted for Phase 2.

For all of the foregoing reasons, Global Crossing respectfully requests that the

Commission grant its Petition to Intervene in this proceeding and that its petition be treated as a petition for reparation under RSA 365:29.

Respectfully submitted,



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