



**Jay E. Gruber**  
Senior Attorney  
Legal Department

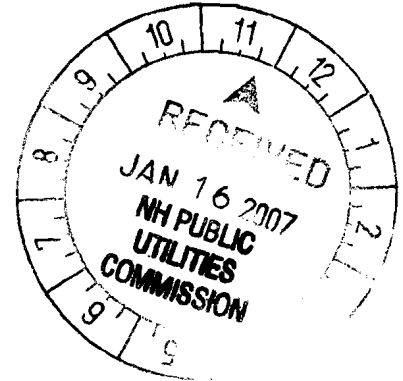
AT&T Enterprise Services, Inc.  
Room 420  
99 Bedford Street  
Boston, MA 02111

T: 617.574.3149  
F: 281.664.9929  
jegruber@att.com

January 12, 2007

VIA E-MAIL AND OVERNIGHT MAIL

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 Fruit Street, Suite 10  
Concord, NH 03301



RE: Docket No. 06-067, Bay Ring Petition for Investigation into Verizon New Hampshire's Practice of Imposing Access Charges, Including Carrier Common Line (CCL) Access Charges, on Calls Which Originate on BayRing's Network and Terminate on Wireless Carriers' Networks

Dear Ms. Howland:

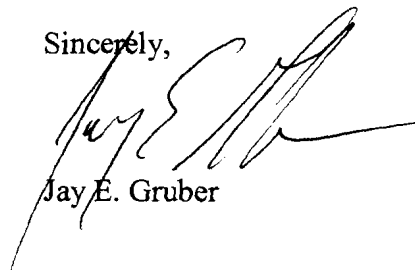
On behalf of Freedom Ring Communications, LLC, d/b/a BayRing Communications, One Communications Corp. and AT&T Communications of New England, Inc., enclosed for filing please find an original and eight copies of the following:

**RESPONSE TO VERIZON'S MOTION TO SUSPEND**

Kindly acknowledge receipt of the foregoing, by date-stamping the enclosed copy of this cover letter and returning it in the enclosed self-addressed and stamped envelope.

If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

Sincerely,



Jay E. Gruber

*Enclosures*

cc: Lynn Fabrizio, Esq.  
Service List (Electronic Only)

**THE STATE OF NEW HAMPSHIRE  
BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

BayRing Petition For Investigation Into  
Verizon New Hampshire's Practice Of  
Imposing Access Charges, Including Carrier  
Common Line (CCL) Access Charges, On  
Calls Which Originate On BayRing's Network  
And Terminate On Wireless and Other Non-  
Verizon Carriers' Networks

Docket No.06-067

**RESPONSE TO VERIZON'S MOTION TO SUSPEND SCHEDULE**

On January 10, 2006, Verizon filed a motion seeking suspension of the schedule in this case pending resolution of its motion to compel responses to certain information requests filed on the same day. The undersigned parties have serious concerns about the effect of further delays in this case, given the continuing detrimental financial impact caused by Verizon's assessment of the carrier common line ("CCL") and other charges at issue here. Indeed, a suspension is particularly problematic when it is based on a motion to compel filed by Verizon that seeks essentially to undo the procedural order issued by the Commission limiting the initial phase to an interpretation of Tariff 85.

The Commission has made clear that this phase of the proceeding involves interpretation of the tariff and that the evidentiary matters must relate to the call flow scenarios developed by staff and the parties.<sup>1</sup> The Commission was clear that the matter of reparations is to be dealt with in a subsequent phase of this case.<sup>2</sup> Verizon has nevertheless propounded countless interrogatories seeking information unrelated to tariff interpretation or

---

<sup>1</sup> Order 24,705 (November 29, 2006), at 6. *See also*, Order No. 24,683 (October 23, 2006), at 8 ("Although resolution of the dispute ultimately will turn on a determination of the proper tariff provision to apply in the particular factual scenarios raised by BayRing's initial and amended complaints, we find that evidentiary hearings are necessary to enable us to clarify the factual switching scenarios implicated.").

<sup>2</sup> Order 24,705 (November 29, 2006), at 6.

call flows. Many of the information requests, for example, appear to seek information regarding alternatives that other carriers may have to using Verizon's tandem to transit calls to other carriers.<sup>3</sup> Such information, of course, sheds no light on what the tariff language means. Verizon now adds insult to injury by seeking to delay the proceeding for an indefinite period while the Commission considers its meritless motion to compel — all the while continuing to impose financially detrimental charges on its competitors. A request for a delay that adversely affects the rights of other parties does not satisfy the conditions for granting a request for an extension. *See*, Puc 202.04(c).

Nevertheless, in an attempt to avoid unnecessary litigation that could have the impact of even further delay, the undersigned parties do not object to Verizon's motion to suspend, *provided that* an expeditious, but reasonable schedule is adopted. The undersigned parties, therefore, condition their acquiescence in a suspension on adoption of the following schedule:

January 12, 2007	Motions to compel by all non-Verizon parties
January 22, 2007	Responses of all parties to all motions to compel Responses of all parties to all discovery requests not subject to a motion to compel
February 1, 2007	Commission decision on motions to compel
February 8, 2007 <sup>4</sup>	Responses to information requests, if any, pursuant to the Commission's ruling on motions to compel "Ballpark" Reparations Estimate Due

Thereafter, the remaining schedule from Order 24,705 (November 29, 2006) would proceed with the same intervals adopted in that order.<sup>5</sup> The undersigned parties are authorized to state

---

<sup>3</sup> *See, e.g.*, Verizon information request nos. 10 through 35.

<sup>4</sup> Or one week following the Commission's decision on motions to compel.

<sup>5</sup> For example, under the current schedule, prefiled testimony is due on February 9, 28 days following the January 12 filing of discovery responses. Under the proposed schedule, therefore, prefiled testimony will be due on March 8, 28 days following the February 8 filing of discovery responses (assuming a February 1 Commission decision).

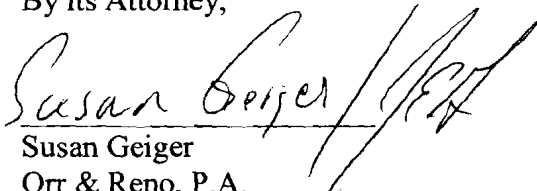
that Commission staff and Verizon concur that the foregoing schedule is reasonable and acceptable to them.

The undersigned parties believe that conditioning a grant of Verizon's motion to suspend the proceeding upon the adoption of the scheduled specified above is a reasonable accommodation to Verizon's request, especially in light of the financial harm caused by further delays. Although we do not propose it at this time, any further delays sought by Verizon, if granted, should be accompanied by a requirement that Verizon cease billing the contested charges until the case is resolved. Otherwise, Verizon has the perverse incentive of continuing to delay resolution of this matter.

Respectfully submitted,

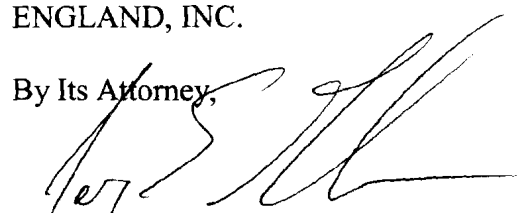
FREEDOM RING COMMUNICATIONS,  
LLC, d/b/a BAYRING  
COMMUNICATIONS

By its Attorney,

  
Susan Geiger  
Orr & Reno, P.A.  
One Eagle Square  
Concord NH 03302-3550  
603-223-9154  
SGeiger@orr-reno.com

AT&T COMMUNICATIONS OF NEW  
ENGLAND, INC.

By Its Attorney,

  
Jay E. Gruber  
99 Bedford Street, Room 420  
Boston, MA 02111  
(617) 574-3149 (phone)  
(281) 664-9929 (fax)  
jegruber@att.com

ONE COMMUNICATIONS CORP.

By its Attorney,

  
Gregory M. Kennan  
One Communications Corp.  
24 Albion Road, Suite 230  
Lincoln, RI 02865  
401-834-3326 Tel.  
401-834-3350 Fax  
gkennan@onecommunications.com

Dated: January 12, 2007