

STATE OF NEW HAMPSHIRE
Before the
PUBLIC UTILITIES COMMISSION

Petition of FairPoint Communications, Inc. for) DT 09-113
Waiver of Certain Requirements under the)
Performance Assurance Plan and Carrier to)
Carrier Guidelines)

BCN TELECOM, INC.
PETITION TO INTERVENE

BCN Telecom, Inc. (“BCN”) petitions to intervene in this proceeding.

BCN is a competitive local exchange carrier (“CLEC”) duly authorized to provide such service in the State of New Hampshire. BCN has an interconnection agreement with FairPoint Communications, Inc. (“FairPoint”) and leases unbundled network elements, has collocation arrangements, and interconnects with FairPoint in New Hampshire, which enables BCN to provide competitive service alternatives to consumers in New Hampshire.

BCN depends on FairPoint to provide a number of wholesale services to BCN in order to serve its customers or to offer its services to potential customers. When FairPoint’s provision of these services falls below standards established in the Performance Assurance Plan (“PAP”), BCN is entitled to receive penalty payments in the form of bill credits under the terms of the PAP.

In its Petition, FairPoint has requested that CLECs be required to repay FairPoint any PAP penalty credits they have received or will receive from FairPoint for its substandard wholesale performance during the months of March through June 2009.

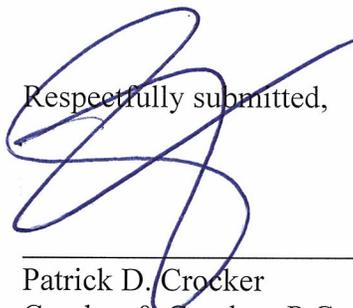
BCN is entitled to penalties under the PAP for the time in which FairPoint seeks waiver or modification of PAP requirements. Therefore, BCN's rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding.

The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing BCN to intervene. The Commission has just opened the docket, and BCN is filing this Petition in accordance with the schedule that the Commission established in the July 30, 2009 Order of Notice.

For these reasons, BCN Telecom, Inc. requests that it be permitted to intervene.

August 7, 2009

Respectfully submitted,



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