

STATE OF NEW HAMPSHIRE

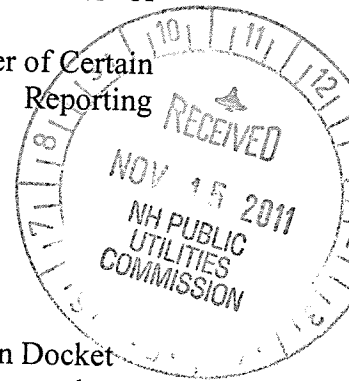
Inter-Department Communication

DATE: November 15, 2011
AT (OFFICE): NHPUC

FROM: Matthew Fossum

SUBJECT: DT 11-061 – FairPoint Communications Petition for Approval of Simplified Metrics Plan and Wholesale Assurance Plan
DT 09-113 – FairPoint Communications Petition for Waiver of Performance Assurance Plan Payment Requirements
DT 09-059 – FairPoint Communications Petition for Waiver of Certain Performance Assurance Plan and Carrier to Carrier Reporting Requirements and Associated Penalties

TO: Commissioners
Executive Director



On September 30, 2011 the Commission received a memorandum from Staff in Docket No. DT 11-061 updating the Commission on the status of meetings that had occurred between FairPoint, Staff and various CLECs. In the body of that memorandum, Staff informed the Commission that future meetings may involve discussions of matters contained within Docket Nos. DT 09-113 and DT 09-059. Activity in those two dockets has been stayed by the Commission in Order No. 25,221 (May 6, 2011).

Based on further discussions among the interested parties, it appears likely that these matters will be discussed at meetings upcoming on November 17 and 18, 2011. Staff informed the parties to these dockets that it was intending to request that the Commission lift the stay on Docket Nos. DT 09-113 and DT 09-059 and consolidate them with Docket No. DT 11-061 to permit discussions on these various matters. FairPoint did not object to Staff's proposal. Comcast and an association of CLECs offered comments on Staff's proposal wherein they agreed with the consolidation of Docket Nos. DT 09-059 and DT 11-061, so long as the issues remained distinct, and also stated their belief that Docket No. DT 09-113 should be closed.

In light of the above, Staff hereby requests that the Commission lift the stay on Docket Nos. DT 09-113 and DT 09-059 to permit the parties to discuss matters covered in those dockets. In addition, and in light of further information about the inter-relatedness of the above dockets, Staff requests that for administrative convenience the dockets be consolidated into Docket No. DT 11-061 such that the relevant issues may be determined in a single docket. Such consolidation should be without prejudice to any of the issues in the individual dockets.