

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

**DT 09-113**

**Petition of**  
**Northern New England Telephone Operations LLC**  
**d/b/a FairPoint Communications-NNE**  
**for Waiver of Certain Requirements**  
**Under the Performance Assurance Plan and**  
**Carrier to Carrier Guidelines**

**MOTION TO ACCEPT LATE-FILED PLEADING**

1. Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE ("FairPoint") hereby respectfully requests that the Commission accept its Objection to Motions to Dismiss ("Objection"), late-filed this date. The Objection is in response to Motions to Dismiss that were filed on September 22, 2009 by Freedom Ring Communications d/b/a BayRing Communications and segTEL, Inc. ("BayRing/segTEL"), One Communications ("OneComm") and CRC Communications of Maine, Inc. ("CRC") (collectively "CLECs"). While Rule Puc 203.07(e) provides that replies to motions must be filed in ten days, FairPoint, the CLECs and Staff agreed at the September 3, 2009 technical session that FairPoint's Objection would be filed within a week's time, on September 29, 2009. However, the notes taken by FairPoint's attorney inadvertently did not reflect this arrangement, and as a consequence FairPoint proceeded as if Puc 203.07(e) still applied.

2. FairPoint has conferred with each of the CLECs regarding this motion. BayRing/segTEL and CRC have assented. OneComm has taken no position.

3. FairPoint's Objection will provide the Commission with useful information that will aid in developing a complete record on which it can base its decision. Notwithstanding the

filing delay of two days, granting this motion will promote the orderly and efficient conduct of the proceeding. Furthermore, this short delay will not impair the rights of any party to the proceeding.

WHEREFORE, FairPoint respectfully requests that the Commission accept its Objection to Motions to Dismiss.

Respectfully submitted,

Northern New England Telephone Operations LLC  
d/b/a FairPoint Communications-NNE  
By their Attorneys,  
DEVINE, MILLIMET & BRANCH,  
PROFESSIONAL ASSOCIATION

Dated: October 1, 2009

By: 

Frederick J. Coolbroth, Esq.  
Patrick C. McHugh, Esq.  
Harry N. Malone, Esq.  
43 North Main Street  
Concord, NH 03301  
(603) 226-1000  
[fcoolbroth@devinemillimet.com](mailto:fcoolbroth@devinemillimet.com)  
[pmchugh@devinemillimet.com](mailto:pmchugh@devinemillimet.com)  
[hmalone@devinemillimet.com](mailto:hmalone@devinemillimet.com)