

November 19, 2010

**CONFIDENTIAL
MATERIAL
IN COMM FILE**



Debra Howland
Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301

Re: **DT 10-183 Data Request Responses of segTEL to NECTA and to RLECs
and Request for Confidential Treatment**

Dear Ms. Howland:

Enclosed are paper copies of segTEL's data responses to New England Cable and Telephone Association (NECTA) and segTEL's data responses to Granite State Telephone, Inc., Dunbarton Telephone Company, Inc., Bretton Woods Telephone Company and Dixville Telephone Company (collectively, the "RLECs").

There are questions herein to which segTEL objects on the basis that it would require segTEL to provide information that is subject to confidential treatment pursuant to NH RSA 378:43. Such information is confidential and proprietary, pertains to the provision of competitive services; sets forth trade secrets or other confidential information falling within the scope of RSA 378:43, 11(b); and is not general public knowledge or published elsewhere, as segTEL has taken measures to prevent dissemination of this information in the ordinary course of business.

segTEL's objection notwithstanding, segTEL will provide this information to Staff and to any party with which segTEL maintains or negotiates an acceptable protective order or confidentiality agreement.

segTEL's public, redacted, responses have been provided to Staff and all parties via electronic mail.

Sincerely,

A handwritten signature in cursive script that reads "Kath Mullholand".

Kath Mullholand
Director of Operations

NHPUC NOV19'10 PM 2:30

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 10-183

**Petition by Certain Rural Telephone Companies
Regarding CLEC Registrations within Their Exchanges**

NOW COMES segTEL, Inc., and respectfully submits the following answers to discovery data requests of New England Cable and Telecommunications Association (NECTA).

1. INSTRUCTIONS segTEL understands the instructions as set out by NECTA to be as follows

1. Each request should be answered in writing on a separate three-hole punched paper, with a recitation of the request, a reference to the request number, the docket number of the case and the name of the person responsible for the answer.
2. Please do not wait for all responses to be completed before submitting responses to Commission and the parties. Provide responses to Information Requests as they are completed.
3. These requests shall be deemed continuing so as to require supplemental responses of segTel should information within the scope of these requests become available between the time of the original response and the close of the record in this proceeding.
4. If you object to any of the following data requests, or a part thereof, please state the grounds for your objection, with particularity. Please respond to any portion of the question to which you have not objected.
5. Unless stated otherwise, segTel should respond in full to every information request asked.

2. ASSUMPTIONS

In compiling the data for its responses, segTEL made the following assumptions:

- a) That all statutory and regulatory time frames set out by the Commission and/or the FCC would be adhered to.
- b) That the events delineated by such time frames would be completed in exactly the number of days contemplated by statute or regulation.
- c) That any event dependent on a prerequisite event (i.e., that a tariff must be filed and approved before an order may be placed under that tariff) would take place the day following completion of the prerequisite event.
- d) Items with non-statutory guidelines were based on segTEL's experience and opinion. On Commission docket events, segTEL estimated the following amounts of time:

To issue Orders of Notice	10 days
Between Order of Notice and prehearing conference	30 days
To file testimony	21 days
For discovery to be propounded	14 days
For any objections, responses and technical sessions related to discovery	20 days
To schedule hearing (after Order of Notice)	76 days
For filing briefs	10 days
To issue Final Order	30 days
For rights of appeal/reconsideration to expire	30 days

Data Requests

NECTA-SEGTEL 1-1

Reference Direct Testimony of Kath Mullholand (“Mullholand Testimony”, p. 3. Please provide a timeline that projects a time estimate for each of the tasks needed for segTEL to request and achieve authority to enter a rural territory in New Hampshire that would employ unbundled network elements.

Day 1. Except as provided in Puc Rules Par 431, regarding registration in the service territory of a non-exempt ILEC, the CLEC will request entry into a telephone utility service territory via petition, application or other form of request.

Day 10. Public notice, commonly in the form of a Commission Order of Notice, will be published relative to the CLEC request and the nature of applicable Commission review. This Notice will be served on the affected RLECs serving the service territories for which entry is requested.

Day 30. The affected RLEC will be a mandatory party and other interested parties can petition to intervene in the proceeding relative to entry into a telephone utility service territory.

Day 30.* An initial Commission pre-hearing conference and technical session will be held to decide interventions and determine a schedule for procedural steps relative to entry into a telephone utility service territory. *See* Puc 205.05(b)

Day 51. The RLEC and other parties will be afforded an opportunity to file testimony (initial and, in certain cases, rebuttal) on any relevant factor listed in RSA 374:22-g and other facts material to the CLEC request.

Day 65-85. The parties will have the opportunity to propound discovery on testimony and other evidence offered prior to a public evidentiary hearing relative to entry into a telephone utility service territory. (Presumes one round of discovery.)

Day 106. The parties will have the opportunity for a public evidentiary hearing to review and address evidence submitted for possible inclusion in the record relative to entry into a telephone utility service territory.

Day 116. The parties can file briefs and/or requests for findings of fact or law relative to entry into a telephone utility service territory.

Day 146. The Commission will issue an Order pursuant to RSA 363:17-b relative to entry into a telephone utility service territory.

Day 176.* Parties can petition for reconsideration or appeal of an adverse Commission ruling pursuant to RSA 541: 1, RSA 541 :6 or other applicable appeal statutes relative to entry into a telephone utility service territory.

Day 177. CLEC makes a bona fide request (BFR) for access to unbundled network elements (UNEs)
(Concurrent) Make a request for an interconnection agreement

Day 187. The Commission issues an Order of Notice, relative to the BFR for determination of UNEs.

Day 207.* An initial Commission pre-conference and technical session will be held to decide interventions and determine a schedule for procedural steps relative to the request for determination of UNEs. *See* Puc 205.05(b)

Day 228. Parties afforded opportunity to file testimony relative to the request for determination of UNEs.

Day 232-242. The parties will have the opportunity to propound discovery relative to the request for determination of UNEs. (Presumes one round of discovery.)

Day 263. The parties will have the opportunity for a public evidentiary hearing relative to the request for determination of UNEs.

Day 273. The parties can file briefs and/or requests for findings of fact or law relative to the request for determination of UNEs.

Day 303.* The Commission will issue an Order pursuant to relative to the economic burden and technical feasibility of the request for determination of UNEs, and setting out an implementation schedule for compliance. *See* 47 USC § 251(f)(1)(b).

Day 312 – 337. CLEC petitions Commission for arbitration of any open issues in negotiation of interconnection agreement.

Day 333.* Parties can petition for reconsideration or appeal of an adverse Commission ruling pursuant to RSA 541: 1, RSA 541 :6 or other applicable appeal statutes relative to the request for determination of UNEs.

Day 347. Commission sets schedule for arbitration of any open issues in negotiation of interconnection agreement.

Day 334. The Commission issues an Order of Notice or implementation schedule, relative to development and pricing of UNEs.

Day 354.* An initial Commission pre-hearing conference and technical session will be held to decide interventions and determine a schedule for procedural steps relative to development and pricing of UNEs. *See* Puc 205.05(b)

Day 375. Parties afforded opportunity to file testimony relative to development and pricing of UNEs.

Day 389-409. The parties will have the opportunity to propound discovery relative to the development and pricing of UNEs. (Presumes one round of discovery.)

Day 410. The parties will have the opportunity for a public evidentiary hearing relative to the development and pricing of UNEs.

Day 420. The parties can file briefs and/or requests for findings of fact or law relative to the development and pricing of UNEs.

Day 437.* Commission completes arbitration of any open issues in negotiation of interconnection agreement. *See* 47 USC § 252(e)(4)

Day 450. The Commission will issue an Order pursuant to RSA 363:17-b relative to the development and pricing of UNEs.

Day 467.* CLEC and RLEC submit completed interconnection agreement in compliance with arbitration award. *See* Puc 440.01(c).

Day 480.* Parties can petition for reconsideration or appeal of an adverse Commission ruling pursuant to RSA 541: 1, RSA 541 :6 or other applicable appeal statutes relative to the development and pricing of UNEs.

Day 510. RLEC submits statement of generally available terms and conditions (SGAT) or tariff in compliance with Commission order on development and pricing for UNEs.

Day 540.* SGAT or tariff takes effect. *See* Puc 1603.07.

Day 541. CLEC places order for collocation.

Day 617. Collocation established.

Day 637. Collocation accepted.

Day 638-678. CLEC installs equipment.

Day 679. CLEC places order for UNEs.

Day 685. First UNE provisioned.

Day 1 activity cannot occur until after the instant docket is completed, currently estimated to be April 25, 2011.

NECTA-SEGTEL 1-2

Reference Direct Testimony of Kath Mullholand (“Mullholand Testimony”, p. 3-4. Please provide a timeline that projects a time estimate for each of the tasks needed for segTEL to request and achieve authority to enter a rural territory in New Hampshire that would employ construction of telecommunications facilities.

Day 1. Except as provided in Puc Rules Par 431, regarding registration in the service territory of a non-exempt ILEC, the CLEC will request entry into a telephone utility service territory via petition, application or other form of request.

Day 10. Public notice, commonly in the form of a Commission Order of Notice, will be published relative to the CLEC request and the nature of applicable Commission review. This Notice will be served on the affected RLECs serving the service territories for which entry is requested.

Day 30. The affected RLEC will be a mandatory party and other interested parties can petition to intervene in the proceeding relative to entry into a telephone utility service territory.

Day 40.* An initial Commission pre- conference and technical session will be held to decide interventions and determine a schedule for procedural steps relative to entry into a telephone utility service territory. *See* Puc 205.05(b)

Day 61. The RLEC and other parties will be afforded an opportunity to file testimony (initial and, in certain cases, rebuttal) on any relevant factor listed in RSA 374:22-g and other facts material to the CLEC request.

Day 75-85. The parties will have the opportunity to propound discovery on testimony and other evidence offered prior to a public evidentiary hearing relative to entry into a telephone utility service territory. (Presumes one round of discovery.)

Day 106. The parties will have the opportunity for a public evidentiary hearing to review and address evidence submitted for possible inclusion in the record relative to entry into a telephone utility service territory.

Day 116. The parties can file briefs and/or requests for findings of fact or law relative to entry into a telephone utility service territory.

Day 146. The Commission will issue an Order pursuant to RSA 363:17-b relative to entry into a telephone utility service territory.

Day 176.* Parties can petition for reconsideration or appeal of an adverse Commission ruling pursuant to RSA 541: 1, RSA 541 :6 or other applicable appeal statutes relative to entry into a telephone utility service territory.

Day 177-357. Request and negotiate a pole attachment agreement.

Day 358. Make application to attach to poles.

Day 403.* Survey of poles completed. *See* Puc 1303.04.

Day 553.* Make-ready work completed. *See* Puc 1303.12.

Day 583. Licenses issued.

Day 584. Construction begins.

Day 629-659. Construction of facilities completed.

Day 660. First customer activated.

Day 1 activity cannot occur until after the instant docket is completed, currently estimated to be April 25, 2011.

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 10-183

**Petition by Certain Rural Telephone Companies
Regarding CLEC Registrations within Their Exchanges**

PUBLIC VERSION

NOW COMES segTEL, Inc., and respectfully submits the following answers to discovery data requests of Granite State Telephone, Inc., Dunbarton Telephone Company, Inc., Bretton Woods Telephone Company and Dixville Telephone Company (collectively, the “RLECs”) and states as follows:

1. segTEL understands the definitions and instructions provided by the RLECs to be as follows:

A. Definitions.

As used herein:

- a) “Document” refers to any written, printed, recorded, taped, electronic, or graphic matter, including but not limited to, writings, agreements, licenses, contracts, books, pamphlets, periodicals, memoranda, correspondence, notes, diaries, calendars, appointment books, estimates, reports, intra-office communications, work papers, records, filings, cost sheets, estimating sheets, studies, analyses, evaluations, purchase orders, bills, invoices, confirmations, receipts, ledgers, accounts, charts, graphs, indices, computer printouts, data sheets, data processing cards, tapes or discs, and any other data compilation from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form, records, transcriptions thereof, minutes of meetings, and all other materials relating to any conversations, meetings and/or conferences, by telephone or otherwise, and any other kind of writing or recording, however, produced or reproduced, of any kind or description, whether privileged or not privileged, including originals, non-identical copies (whether different from the original because of notes made on or attached to such copy or otherwise), and drafts, regardless of origin, whether sent or received or made and/or used internal, in whatever

form, and both sides thereof, that (a) are now or formerly in the possession, custody, or control of the answering parties or (b) are known or believed to be responsive to these interrogatories, regardless of who now has or formerly has had possession, custody, or control.

- b) “Identify” or “identity” when used in reference to a Document means to state the date or dates, author or originator, subject matter, all addresses and recipients, type of Document (e.g., letter, memorandum, telegram, chart, computer printout, disc or diskette, etc.), number or code number thereof or other means to identify it and its present location and custodian. If any such Document was, but is no longer, in the answering parties’ possession or subject to its control, the responding party shall state what disposition was made of it.
- c) “Person” means without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or other organization.

B. Instructions.

- 1) These requests call for all information, including information contained in Documents, which relate to the subject matter of the discovery requests and which is known or available to you.
- 2) Where a data request has a number of separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part, or portion. Any objection to a data request should clearly indicate the subdivision, part, or portion of the data request to which it is directed.
- 3) If a data request specifically requests an answer in response rather than the production of Documents, an answer is required. The production of Documents will not suffice.
- 4) These data requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
- 5) Each data request to “provide” Documents or similar phrases includes a request to “identify” all such Documents, as defined in the definitions above.
- 6) If a data request can be answered in whole or in part by reference to the response to another data request served in this proceeding, it is sufficient to so indicate by specifying the other data request by participant and

number, by specifying the parts of the other response which are responsive, and by specifying whether the response to the other data request is a full or partial response to the instant data request. If it constitutes a partial response, the balance of the instant data request must be answered.

- 7) If you cannot answer a data request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you can not answer the data request in full, and state what information or knowledge you have concerning the unanswered portions.
- 8) If, in answering any of these data requests, you feel that any data request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using in responding to the data request.
- 9) If a Document requested is unavailable, identify the Document, describe in detail the reasons the Document is unavailable, state where the Document can be obtained, and specify the number of pages it contains.
- 10) Identify the person from whom the information and Documents supplied in response to each data request were obtained, the person who prepared each response, the person who reviewed each response, and the person who will bear ultimate responsibility for the truth of each response.
- 11) If no Document is responsive to a data request which calls for a Document, then so state. In each instance, the data request should be treated as an interrogatory.

Data Responses

RLECs-segTEL-1-1.

Reference is made to page 3 of Ms. Mullholand's testimony, at which she states that "opening a new market in FairPoint territory, as an already approved CLEC with established agreements, tariffs, and systems, recently took eighteen months from application to the first customer turn-up."

- a) Please describe the application that segTEL, an already approved CLEC, as required to prepare.

ANSWER:

segTEL was required under the terms of FairPoint NHPUC Tariff No. 84 to file an application for collocation. The application is 12 8 ½ x 11 pages of detailed questions including customer information, collocation site, type of collocation desired, number of bays desired, cable termination information, DC power requirements, specifications of technical equipment, entrance facilities, vendor selection, and additional comments. Appendices and attachments include list of plug-in (cards), as well as optional diagrams of termination panels, and letters of authorization.

The required form is available for download on the Internet at:
http://www.fairpoint.com/wholesale/customer_resources/collocation_licensing.jsp
and is titled "Collocation Application."

- b) Please identify the referenced market and/or exchange.

ANSWER:

segTEL objects to this questions as it request information that is subject to confidential treatment pursuant to NH RSA 378:43. Information regarding segTEL's markets and exchanges is confidential and proprietary, pertains to the provision of competitive services; sets forth trade secrets or other confidential information falling within the scope of RSA 378:43, 11(b); and is not general public knowledge or published elsewhere, as segTEL has taken measures to prevent dissemination of this information in the ordinary course of business.

segTEL's objection notwithstanding, segTEL will provide this information to Staff and to any party with which segTEL maintains or negotiates an acceptable protective order or confidentiality agreement.

**<<CONFIDENTIAL>>
<<END CONFIDENTIAL>>**

- c) Please provide a timeline of key events that transpired during the referenced market-opening process, including but not limited to:

segTEL objects to this question as it request information that is subject to confidential treatment pursuant to NH RSA 378:43. Information regarding segTEL and FairPoint's implementation of collocation and dark fiber requests is confidential and proprietary, pertains to the provision of competitive services; sets forth trade secrets or other confidential information falling within the scope of RSA 378:43, 11(b); and is not general public knowledge or published elsewhere, as segTEL has taken measures to prevent dissemination of this information in the ordinary course of business.

segTEL's objection notwithstanding, segTEL will provide the information in this answer marked <<CONFIDENTIAL>> to Staff and to any party with which segTEL maintains or negotiates an acceptable protective order or confidentiality agreement.

segTEL applied for collocation under FairPoint's NH PUC Tariff No. 84, which the Commission has determined to be just, reasonable and nondiscriminatory. The milestones set out in Tariff 84 are as follows:

Day 1—CLEC submits completed application and associated fee.

Day 8—Telephone Company notifies CLEC that request can be accommodated and advises of due date.

Day 17—CLEC notifies the Telephone Company of its intent to proceed and submits 50% payment.

Day 30 - Material ships and is received at vendor warehouse; CLEC provided splitters delivered to vendor warehouse (Line Sharing Option C only, and applicable only where the CLEC is eligible for line sharing/line splitting.)

Day 76—The Telephone Company and CLEC attend collocation acceptance meeting, and the Telephone Company turns over the collocation arrangement to the CLEC. Day 76 also applies to completion of other augments not included in Section 1.1.2A preceding.

<<BEGIN CONFIDENTIAL>>

<<END CONFIDENTIAL>>

- d) For any other markets that segTEL has opened in FairPoint territory since March 1, 2008, please identify the market and/or exchange and, for each market, provide the beginning-to-end timeframe encompassing the steps provided in response to the preceding RLECs-1(c).

ANSWER:

segTEL objects to this question as it request information that is subject to confidential treatment pursuant to NH RSA 378:43. Information regarding segTEL and FairPoint's implementation of collocation and dark fiber requests is confidential and proprietary, pertains to the provision of competitive services; sets forth trade secrets or other confidential information falling within the scope of RSA 378:43, 11(b); and is not general public knowledge or published elsewhere, as segTEL has taken measures to prevent dissemination of this information in the ordinary course of business.

segTEL further objects to this question on the grounds that it is overly broad, does not pertain to the testimony provided, and (because the Commission has determined that FairPoint's tariffed procedures for collocation are just and reasonable) the answer is not calculated to lead to the discovery of admissible evidence.

segTEL's objection notwithstanding, segTEL will provide the information in this answer marked <<CONFIDENTIAL>> to Staff and to any party with which segTEL maintains or negotiates an acceptable protective order or confidentiality agreement.

<<BEGIN CONFIDENTIAL>>

<<END CONFIDENTIAL>>

RLECs-segTEL-1-2.

Reference is made to page 4 of Ms. Mullholand's testimony, at which she states that "[i]n segTEL's experience, with agreements already in place, it typically takes a full year to complete a very basic expansion of the network."

a) Please specify the markets and/or exchanges to which Ms. Mullholand refers.

ANSWER:

segTEL objects to this question as it request information that is subject to confidential treatment pursuant to NH RSA 378:43. Information regarding segTEL and FairPoint's implementation of collocation and dark fiber requests is confidential and proprietary, pertains to the provision of competitive services; sets forth trade secrets or other confidential information falling within the scope of RSA 378:43, 11(b); and is not general public knowledge or published elsewhere, as segTEL has taken measures to prevent dissemination of this information in the ordinary course of business.

segTEL's objection notwithstanding, segTEL will provide the information in this answer marked <<CONFIDENTIAL>> to Staff and to any party with which segTEL maintains or negotiates an acceptable protective order or confidentiality agreement.

segTEL based its answer on its pole applications in <<START CONFIDENTIAL>>

<<END CONFIDENTIAL>>

b) Please describe what is meant by “a very basic expansion of the network.” For example, please specify:

- The tasks involved in this expansion
- The size of the expansion in terms of square miles, route miles, population and households or businesses
- The equipment and facilities installed to complete the expansion
- The total capital expenditures for each expansion

ANSWER:

b) In response to the tasks involved in this expansion are:

- 1) pre-survey routes
- 2) develop route
- 3) apply for route
- 4) wait for response
- 5) order materials
- 6) conduct survey
- 7) pay for make-ready
- 8) make ready completed
- 10) license received
- 11) installation and turn up

In response to the size of the expansion in terms of square miles, route miles, population and households or businesses

A basic network expansion would be to extend an existing pole route into a new area for a customer or group of customers. This type of application would be about a half mile of network expansion.

In response to the equipment and facilities installed to complete the expansion.

This is not within the scope of Ms. Mullholand’s testimony and she is not the person at segTEL who is knowledgeable on this topic.

In response to the total capital expenditures for each expansion

This is not within the scope of Ms. Mullholand’s testimony and she is not the person at segTEL who is knowledgeable on this topic.