

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 11-061

**FairPoint Communications, Inc. Petition for
Approval of Simplified Metrics Plan and Wholesale Performance Plan**

JOINT MOTION FOR EXPEDITED APPROVAL OF SETTLEMENT STIPULATION

1. Pursuant to Rule Puc 203.20, Northern New England Telephone Operations LLC ("FairPoint") and Biddeford Internet Corporation d/b/a Great Works Internet, Comcast Phone Of New Hampshire, LLC, CRC Communications of Maine, Inc. d/b/a OTT Communications, CTC Communications Corp., Lightship Telecom LLC, Conversent Communications of New Hampshire, Inc., all d/b/a "EarthLink Business", Freedom Ring Communications, LLC d/b/a BayRing Communications, and National Mobile Communications Corporation d/b/a Sovernet Communications "(the CLEC Parties)" (FairPoint and the CLEC Parties, collectively "the Parties") respectfully request expedited approval of the attached Settlement Stipulation among FairPoint and Great Works Internet, Comcast Phone Of New Hampshire, LLC, OTT Communications, EarthLink Business, BayRing Communications, Sovernet Communications, and United Systems Access Telecom, Inc. (collectively, the "CLECs") for the resolution of certain issues in the above-captioned proceeding and companion proceedings in Maine and Vermont.

2. The Settlement Stipulation was negotiated to resolve many of the issues identified by the Parties and the New Hampshire, Maine and Vermont regulatory staffs over the period September 2011 through February 2012. During that time, FairPoint and the CLECs participated in a series

of workshops facilitated by New Hampshire, Maine and Vermont regulatory staff. The workshops and a series of settlement negotiations culminated in a partial settlement between FairPoint and the CLECs on a simplified Performance Assurance Plan ("simplified PAP"). After the scheduled workshops ceased, FairPoint and the CLECs continued to hold a series of in-person and teleconference sessions and made further significant progress in reaching agreement on many major aspects of a simplified PAP. This agreement is memorialized in the attached Settlement Stipulation.

3. With regard to issues related to development of a simplified PAP that were not resolved by the Settlement Stipulation, the Parties are attempting to reach consensus as to a proposed process for resolving these remaining open issues.¹ The Parties anticipate filing that proposed procedure in the near future.

4. Commission Rule 203.20(b) provides that "[t]he commission shall approve a disposition of any contested case by stipulation, settlement, consent order or default, if it determines that the result is just and reasonable and serves the public interest." The Settlement Stipulation represents many months of concerted, good-faith effort by FairPoint and a strongly representative sampling of the CLEC community, facilitated by Staff of the Maine and New Hampshire Commissions and the Vermont Public Service Board and Department of Public Service. The Stipulation resolves, without litigation, many key structural components of the new simplified PAP. FairPoint and the CLEC Parties submit that the Stipulation produces a result that is just and reasonable and serves the public interest, as required by the Commission's rules.

¹ It should be noted that, pursuant to the Commission's May 26, 2011 Order, this proceeding also includes FairPoint's request in DT 09-059 for waiver of certain existing PAP requirements, FairPoint's request in DT 09-113 to reduce the dollars at risk under the existing PAP, and matters related to the Commission's audit of the existing PAP. All of these matters will need to be addressed, either by the Parties as part of their proposed process or through Commission proceedings as these matters are not addressed in the Settlement Stipulation.

5. FairPoint and the CLEC Parties request that the Commission approve the Settlement Stipulation in an expedited manner. The Parties specifically request that discovery be waived, or strictly limited, and that no hearing be conducted before the Commission. The Commission's rules provide that the Commission may waive its rules if such waiver "serves the public interest" and "will not disrupt the orderly and efficient resolution of matters before the commission." Rule Puc 201.05(a). All of the parties to this case have been aware of the workshops leading to the Settlement Stipulation and all affected carriers, including those not party to the Settlement Stipulation, have had the opportunity to participate. Therefore, expedited handling will not unduly prejudice any party and will be consistent with the public interest. Furthermore, the existence of an approved Settlement Stipulation will provide a level of certainty that is conducive to further negotiation and deliberation, and thus will contribute to the orderly and efficient resolution of this matter.

Accordingly, FairPoint and the CLEC Parties respectfully request that the Commission:

- a. approve the Settlement Stipulation as it applies to New Hampshire;
- b. issue such approval on an expedited basis as described herein, and
- c. incorporate the terms and conditions of the Settlement Stipulation into any final order that resolves the issues in this proceeding.

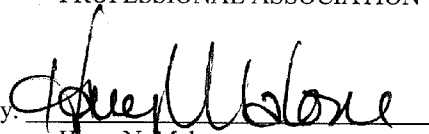
Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC, d/b/a
FAIRPOINT COMMUNICATIONS-NNE

By Its Attorneys,
DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: October 23, 2012

By:



Harry N. Malone
111 Amherst Street
Manchester, NH 03101
(603) 695-8532
hmalone@devinemillimet.com

Patrick C. McHugh
State President – New Hampshire
& Assistant General Counsel, NNE
Northern New England Telephone Operations LLC
770 Elm Street
Manchester, NH 03101
(603) 656-1633
pmchugh@fairpoint.com

Comcast Phone of New Hampshire, LLC
By its Attorneys,

Dated: October 23, 2012

By:

Andrew M. Klein /aes

Susan S. Geiger
ORR & RENO, P.A.
One Eagle Square
Concord, N.H. 03302-3550
(603) 223-9154
sgeiger@orr-reno.com

Andrew M. Klein
KLEIN LAW GROUP ^{PLLC}
1250 Connecticut Ave. NW, Suite 200
Washington, DC 20036
(202) 289-6955
AKlein@KleinLawpllc.com

FREEDOM RING COMMUNICATIONS d/b/a
BAYRING COMMUNICATIONS

CTC COMMUNICATIONS CORP.,
LIGHTSHIP TELECOM LLC, CONVERSENT
COMMUNICATIONS OF MAINE LLC, and
CHOICE ONE COMMUNICATIONS OF
MAINE, INC., all d/b/a EARTHLINK
BUSINESS

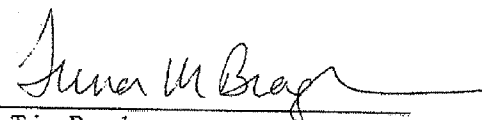
BIDDEFORD INTERNET CORPORATION
d/b/a GREAT WORKS INTERNET

CRC COMMUNICATIONS INC. and MID-
MAINE TELPLUS LLC, both d/b/a OTT
COMMUNICATIONS

NATIONAL MOBILE COMMUNICATIONS
CORPORATION d/b/a SOVERNET
COMMUNICATIONS

Dated: October 22 2012

By: _____



Trina Bragdon
OTT Communications
900-D Hammond Street
Bangor, ME 04401
(207) 992-9920
trina.bragdon@ottcommunications.com
(Authorized representative of CLEC Parties
listed on this page for purposes of signing
Motion and accompanying filing letter)