

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

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**Joint Petition of Hollis Telephone Company, Inc.,  
Kearsarge Telephone Company, Merrimack County  
Telephone Company, and Wilton Telephone Company,  
Inc. (“Joint Petitioners”), for Authority to Block the  
Termination of Traffic from Global NAPs, Inc., to  
Exchanges of the Joint Petitioners on the Public  
Switched Telephone Network**

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**DT 08-028**

**OBJECTION TO STIPULATION OF FACTS**

Pursuant to Secretarial letter dated July 30, 2008, Global encloses for consideration its Objection to Stipulation of Facts (“Stipulation”).<sup>1</sup> The most glaring problem with the proposed Stipulation of Facts is not what is included, but what has not been excluded. Additional Proposed Stipulated Facts are found at III, below.

**I. STIPULATED FACTS**

1. Global NAPs Inc. is certified as a Competitive Local Exchange Carrier (“CLEC”) in New Hampshire by Order No. 22,976, dated July 8, 1998.

**Response:**

Admit.

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<sup>1</sup> Although there is an original as well as a red-lined version, Global is using TDS’ revised version from July 21, 2008 to avoid undue confusion between versions.

2. Global NAPs Inc., Global Naps Networks, Inc., Global NAPs Realty, Inc. and Global NAPs New Hampshire, Inc. (collectively "Global NAPs") combine to provide services in New Hampshire.

**Response:**

Admit in part; deny in part. Global NAPs New Hampshire, Inc. does not provide "services" in a customary sense of the word. Global NAPs New Hampshire, Inc. is used as a banking entity which may provide funds to the other delineated entities.

3. There is no annual report or assessment report for Global NAPs, Inc., on file at the NHPUC for 2005, 2006 and 2007.

**Response:**

Admit with explanation. Although Global can not locate its copy of the filing, it does have a return receipt for the mailing to the commission.

4. Global NAPs, Inc. is not a registered CTP in the State of New Hampshire.

**Response:**

Admit.

5. Global Naps Networks, Inc., Global NAPs Realty, Inc. and Global NAPs New Hampshire, Inc., are not certified as CLECs or as CTPs in New Hampshire.

**Response:**

Admit.

6. To Global NAPs' knowledge, no separate check has been paid to Verizon or FairPoint for invoiced transit traffic charges.

**Response:**

Admit with explanation. Fairpoint does not provide Global with any transit services. Any amounts invoiced by Verizon are offset by amounts owed to Global when it abruptly stopped payment of reciprocal compensation. This matter is currently being litigated in the United States District Court for the Eastern District of New York between Verizon and Global.

7. Transit traffic charges from Verizon and FairPoint to Global NAPs Inc. and Global NAPs Inc. charges to Verizon and FairPoint for reciprocal compensation are in dispute and are currently being litigated in the United States District Court for the Eastern District of New York.

**Response:**

Deny. Charges for intercarrier compensation between Fairpoint and Global NAPs, Inc. are not being litigated in the United States District Court for the Eastern District of New York.

8. Global NAPs does not provide dial tone service to any customer in New Hampshire.

**Response:**

Admit

9. Global NAPs terminates calls for Voice over Internet Protocol ("VoIP") providers.

**Response:**

Admit with explanation. Global NAPs only customers for outbound traffic exchanged to Fairpoint (which subsequently terminates such communications to TDS) are enhanced service providers ("ESPs"). These ESPs exchange data packets to Global NAPs for further transport which may be voice, data or a mix thereof.

10. Global NAPs Inc. delivers calls to Internet Service Providers ("ISPs") and e-fax service providers.

**Response:**

Admit with explanation. Global NAPs only customers for inbound traffic exchanged from Fairpoint (which may have received some communications to TDS) are Internet service providers ("ISPs"). GNAPs turns the TDM calls into data packets before sending the call to its Global NAPs' ISP customers.

11. Global NAPs customers represent in their contracts with Global NAPs that they are Enhanced Service Providers ("ESPs"); however, Global NAPs has not independently verified and does not independently verify the nature of the traffic being delivered to the Global NAPs affiliated companies.

**Response:**

Admit with explanation. Global has no legal obligation to verify its customers representations; Global honors the integrity of its customers statements.

12. Global NAPs has three gateways. It can accept, switch and/or terminate traffic in time division multiplexing ("TDM"), asynchronous transfer mode ("ATM") or Internet protocol ("IP") formats.

**Response:**

Deny with explanation. Global uses a single switch that can accept traffic in all three media types or transmission methods, TDM, ATM and IP.

13. Global NAPs does not know the original format of the traffic it receives.

**Response:**

Deny. Responding to this proposed fact depends on the word "original". If this means from the ESP's customer? Agreed. If this means from the ESP connected to GNAPs and how they hand the traffic the traffic to GNAPs? Disagree.

14. Global NAPs does not distinguish the format of the traffic it receives.

**Response:**

Admit with explanation. Global's switches are versatile and can accept traffic in any of the three protocols or formats discussed in this stipulation, *e.g.*, TDM, ATM, IP.

15. Traffic received by Global NAPs that is not in ATM format is converted to ATM format by Global NAPs.

**Response:**

Admit with explanation. All traffic is, at one time, converted to ATM as that is the format in which Global transports traffic on its network.

16. Global NAPs Networks, Inc., carries traffic on its network in ATM format and converts the format to TDM for termination on the public switched network.

**Response:**

Admit.

17. Global NAPs Networks, Inc., transfers all traffic at issue in this proceeding to FairPoint-NNE in traditional TDM format at the FairPoint-NNE tandem in Manchester, New Hampshire.

**Response:**

Admit with explanation. Global would prefer to transfer the traffic in ATM or Internet protocol over an optical interconnect. To date, Verizon and its successor in interest Fairpoint, have insisted on receiving traffic only in TDM protocol.

18. FairPoint-NNE terminates the traffic at issue in this proceeding the same way it terminates a traditional voice call, that is, through meet point billing with the Independent ILEC.

**Response:**

Deny. Global has insufficient information upon which to base an admission.

19. The Global NAPs operating carrier number ("OCN") is 4976 in New Hampshire, 4975 in New York and 7755 in Massachusetts.

**Response:**

Admit with explanation. The GNAPs OCNs are 4976 in NH, 7755 in MA and 4977 in NY, as verified in LERG. Although Global has the OCN of 4975 for NY, it has never been used, *i.e.*, no NPA/NXX's are established to it.

20. The Industry Numbering Committee Company Code Assignment Guidelines state: An Operating Company Number (OCN) is a four-character numeric or alphanumeric code that uniquely identifies a provider of local telecommunications service in accordance with the ANSI T1.251 industry standard.

**Response:**

Admit.

21. TDS receives industry standard call detail records ("CDRs") from FairPoint-NNE showing traffic with OCN 4975.

**Response:**

Deny. Global has insufficient information upon which to base an admission. Moreover, during the Technical Session, there was a great deal of discussion and confusion regarding

OCN 4975 and OCN 4976. Without further clarification, Global can not agree to either aspect of these facts.

22. The Global NAPs Carrier Identification Code ("CIC") is 5133.

**Response:**

Admit.

23. CICs are 4-digit numeric codes which are currently used to uniquely identify local exchange carriers ("LECs"), carriers who purchase access services, and billing and collections clearinghouses that provide third-party bill aggregation services on behalf of access purchasers. These codes are primarily used for routing from the local exchange network to the access purchaser and for billing between the LEC and the access purchaser.

**Response:**

Deny with explanation. Global agrees that the CIC is used for routing in some instances and, further, that it is used in billing in some instances. Global strongly disagrees with any of the words that referencing "access purchasers". Although initially post-divestiture CIC codes were required for the IXC and IXC were access purchasers. "Access purchasers" purchased FGB or FGD trunks. GNAPs does not utilize those types of trunks.

## II. MISCELLANEOUS



24. Parties agree that all discovery responses and exhibits attached thereto shall be admitted into evidence without further hearing.

**Response:**

Deny. Global believes that only a hearing will provide the requisite due process required in the determination of whether or not the Commission should impose the drastic action of blocking the exchange of traffic between carriers, especially in the absence of a finding of liability by a court of original jurisdiction.

25. This Stipulation may be executed in multiple counterparts, which together shall constitute one agreement.

**Response:**

Admit.

**III. GLOBAL PROPOSED STIPULATED FACTS**

26. Enhanced Service Providers (“ESPs”) are also Internet service providers (“ISPs”).

27. ESP traffic is exempt from access charges.

28. ESP/ISP traffic is jurisdictionally interstate.

29. It is impossible and/or impracticable to separate VoIP traffic as *intrastate* versus *interstate* traffic.

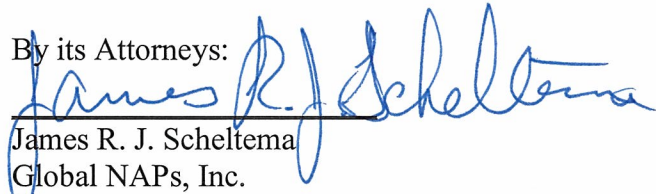
30. Fairpoint has no judicial determination of liability on Global’s part for the amounts it alleges are owed.

Respectfully submitted,

Dated: August 1, 2008.

GLOBAL NAPS, INC.

By its Attorneys:

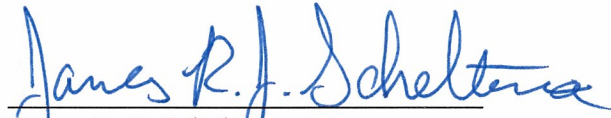


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**CERTIFICATE OF SERVICE**

I, James R. J. Scheltema, hereby certify that on August 1, 2008, I caused a copy of the foregoing to be served on the attached service list by Email.



James R. J. Scheltema  
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**State of New Hampshire  
Before the New Hampshire Public Utilities Commission**

**DT 08-028**

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Authority to Block the Termination of Traffic from  
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Petitioners in the Public Switched Telephone Network**

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