

October 14, 2008

Via Overnight Delivery and Electronic Mail

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: BayRing Complaint Re: Access Charges, DT 06-067

Dear Ms. Howland:

Freedom Ring Communications, LLC, d/b/a BayRing Communications, AT&T Corp., One Communications, Sprint Communications Company, L.P., and Sprint Spectrum L.P. (collectively "Competitive Carriers") respectfully submit this brief reply to the argument contained in Paragraph 2 of Verizon's October 6, 2008 response to the petitions to intervene filed by Global Crossing Telecommunications, Inc. ("Global Crossing") and XO Communications, Inc. ("XO"). In Paragraph 2, Verizon claims that the intervention of these two new parties is an additional reason to stay Phase II of these proceedings.

The Commission should disregard Paragraph 2 of Verizon's response. Verizon does not object to the intervention requests of Global Crossing and XO. Therefore, Paragraph 2 is *completely irrelevant* to the issue whether the Commission should allow those parties to intervene. The sole purpose of Paragraph 2 is to make new arguments regarding a stay of Phase II. Verizon neither sought nor obtained permission to submit new argument.

If the Commission does not completely disregard Paragraph 2, then as a matter of fundamental fairness the Commission should allow the Competitive Carriers an opportunity to respond, as set forth below.

On the substance of Verizon's argument, Verizon has it exactly backward. Far from being a reason to stay Phase II, the participation sought by these two parties shows why the Commission should proceed forthwith to decide Phase II. Verizon unlawfully holds millions of dollars owed to its customers, including the Competitive Carriers. That has been adjudicated and it is the law. *See*, Joint Opposition of AT&T, BayRing Communications, One Communications and Sprint to Verizon's Motion to Stay Proceedings Pending Appeal ("Joint Opposition"), filed Sept. 18, 2008, at 1-2, citing RSA 365:26. The efforts of two additional carriers to claim what is rightfully theirs only underscores the importance that the Commission should place on expeditious determination of reparation amounts.

The public interest is served by prompt enforcement of Commission orders, particularly where repayment of unlawful overcharges collected from an entire industry is required. Only

Verizon's private interest is served by further delay. Verizon seeks a stay of Phase II and retention of the monies unlawfully collected in order to preserve its bargaining power in any possible settlement. Further delay only prejudices the parties whose rights have already been violated. It is time for Verizon to return the overcharges to those wrongfully forced to pay them. A prompt decision in Phase II will benefit competitive telecommunications providers and the competitive telecommunications market, and, more importantly, consumers and the public interest. *Joint Opposition*, at 6-9.

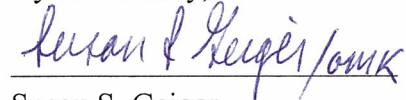
Further, Verizon overstates the case in claiming that the legal basis for ordering reparations is fundamentally in question. Verizon may disagree with the Commission's decision, but that fact casts no doubt on the validity of the Commission's action. The Order remains valid and in effect. *Id.* at 1. The Commission should proceed expeditiously to decide Phase II.

Thank you for the opportunity to respond. Please contact one of the undersigned if you have any questions.

Respectfully submitted,

**FREEDOM RING
COMMUNICATIONS, LLC, D/B/A
BAYRING COMMUNICATIONS**

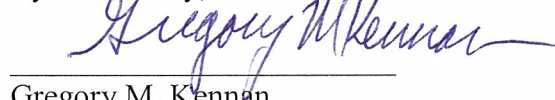
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AT&T CORP.

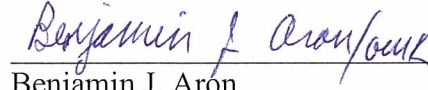
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