

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 06-067

**Freedom Ring Communications LLC d/b/a BayRing Communications
Complaint Against Verizon New Hampshire Regarding Access Charges**

MOTION TO EXTEND PROCEDURAL SCHEDULE

Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE ("FairPoint") hereby moves for an extension of the procedural schedule in the subject proceeding. In support of this motion, FairPoint states as follows:

1. In the Commission's Procedural Order of October 28, 2009, it adopted the following proposed schedule:

FairPoint update and supplement testimony of Michael Skrivan	11/03/11
CLECs single, joint set of data requests to FairPoint	11/17/11
FairPoint responses	12/1/11
CLEC rebuttal testimony	12/15/11
Data Requests on rebuttal	12/21/11
Responses to rebuttal requests	12/28/11
FairPoint reply testimony	1/4/12
Technical Session in lieu of further discovery between	1/11/12 and 1/16/12
Hearing on the merits	TBD

In that same Order, the Commission acknowledged that there are numerous holidays included in the above schedule dates which may necessitate revisions to the schedule.

2. On November 10, 2011, certain CLECs filed a Motion for Hearing of the issue regarding the proper application of the CCL Charge, requesting that the Commission dispense with further fact finding and proceed directly to a hearing on in regard to that issue. FairPoint partially assented to this motion, but also submitted that a hearing was not necessary either, and requested that the Commission move on to briefing.

3. On November 16th and 17th, Staff and the CLECs submitted a total of 49 data requests comprising over 100 subparts, not including previous data requests that FairPoint was also asked to review and refresh. FairPoint has objected to a large number of these requests, but an equally large number remain.

4. Many of the data requests require the production of historical data, much of which is in the possession of a third party billing vendor. The difficulty in collecting this information was exacerbated by the intervening Thanksgiving holiday. Accordingly, FairPoint seeks an extension of three weeks, until December 21, 2011, for delivering responses to the data requests.

5. However, FairPoint is cognizant of the fact that such an extension places a burden on the other parties to digest this information and prepare rebuttal testimony over the Christmas holiday. With this in mind, FairPoint suggests that further relaxation of the schedule is advisable, and that the deadline for CLEC rebuttal testimony should be extended to three weeks following receipt of the responses, to January 11, 2012. After that, the timeframe for scheduled events would conform to the original schedule.

6. The revised schedule would be as follows:

FairPoint update and supplement testimony of Michael Skrivan	11/03/11
CLECs single, joint set of data requests to FairPoint	11/17/11
FairPoint responses	12/21/11

CLEC rebuttal testimony	1/17/12
Data Requests on rebuttal	1/24/12
Responses to rebuttal requests	1/31/12
FairPoint reply testimony	2/7/12
Technical Session in lieu of further discovery between	2/14/12 and 2/17/12
Hearing on the merits	After 2/27/12

7. The requested extension of the due date will enhance the orderly and efficient conduct of this proceeding. Furthermore, depending on the Commission's determination of the CLECs Motion for Hearing, such an extension will not interfere with the development of the record for the most pressing issue to the CLECs, which is the CCL charge, and may even facilitate its timely resolution.

8. FairPoint discussed the requested extension with counsel for BayRing on November 23, 2011 and reached out to Staff and intervenors by email on November 29, 2011. AT&T has assented to the proposed schedule. Sprint has no objection. Staff, Earthlink, Global Crossing and CRC have stated that they take no position on this motion. FairPoint was awaiting responses from other parties at the time of this filing.

WHEREFORE, FairPoint respectfully requests that the Commission extend the procedural schedule in this case as set forth herein.

Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC D/B/A FAIRPOINT
COMMUNICATIONS-NNE

By their Attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: November 29, 2011

By: 

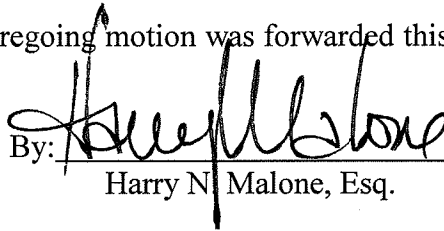
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was forwarded this day to the parties by electronic mail.

Dated: November 29, 2011

By: 

Harry N. Malone, Esq.