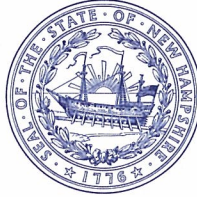


THE STATE OF NEW HAMPSHIRE

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June 15, 2009

Re: DT 09-048, IDT America Corporation
Petition for Arbitration of Rates, Terms and Conditions of Interconnection
Agreement with Union Telephone Co.
Motion to Dismiss

To the Parties:

On May 1, 2009, Union Telephone Company (Union) filed a motion to dismiss or in the alternative to stay the proceeding in the above referenced matter. On June 1, 2009, by secretarial letter, the Commission adopted the recommendations of the hearings examiner as set out in her report of May 20, 2009 and denied Union's motion.

On May 29, 2009, Union filed a second motion to dismiss to which IDT America Corporation (IDT) responded on June 8, 2009. On June 11, 2009, Union filed a second motion to stay. Regarding Union's June 11th motion to stay, the Commission has determined that the arbitration should proceed and has therefore denied the motion.

Regarding Union's May 29th motion to dismiss, to the extent that Union reasserts arguments concerning 47 U.S.C. §§ 251(a) and (b), and § 252(b), the Commission disposed of those arguments when it denied the first motion. To the extent that Union's May 29th motion questions whether IDT is requesting interconnection pursuant to 47 U.S.C. § 251(c) and whether IDT is a common carrier, the Commission has determined that those issues require development of a factual record.

The Commission directs the Arbitrator to recommend an appropriate resolution of any arguments contained in Union's May 29th motion to dismiss, not resolved by the prior secretarial letter. The Commission will defer ruling on the May 29th motion to dismiss until it receives the arbitrator's findings and recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Docket File

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Docket #: 09-048 Printed: June 16, 2009

FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),
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