

Attorneys at Law

PRIMMER PIPER EGGLESTON & CRAMER PC

Burlington

Montpelier

St. Johnsbury

Leo A. Bisson
Victoria J. Brown
Gregory S. Clayton
James E. Clemons
Anne E. Cramer
Denise J. Deschenes

Gregory M. Eaton
Jon R. Eggleston
Elijah D. Emerson
Gary L. Franklin
Jeffrey P. Johnson
Gary F. Kamedy

Paul J. Phillips
William B. Piper
Stephen A. Reynolds
Keith A. Roberts
Gail E. Westgate
Douglas J. Wolinsky
Russell A. Young

Alexandra Bolanis
Keith M. Jones
Cassandra LaRae-Perez

Jesse L. Moorman
Lagretta D. Nickles

Amanda S. Rosenfeld
Joslyn L. Wilschek

Of Counsel

Gary H. Barnes, P.A.
Shireen T. Hart
Kevin M. Henry

Jeffrey S. Marlin
Randall L. Wachsmann
Neil Wheelwright

Government Relations

James F. Feehan, Director
Jonathan D. Wolff
Amy E. Mason

VIA OVERNIGHT DELIVERY & ELECTRONIC MAIL

May 26, 2010

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



Re: Docket No. DT 08-028 (Joint Petition of Hollis Telephone Company, Inc., et al.)

Dear Ms. Howland:

Hollis Telephone Company, Inc., Kearsarge Telephone Company, Merrimack County Telephone Company, and Wilton Telephone Company, Inc., as Joint Petitioners in the above-referenced matter (collectively, "TDS Telecom"), hereby support the "Motion for Authority to Disconnect Global NAPs," which was filed on behalf of Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE ("FairPoint") on May 13, 2010. TDS Telecom urges the Public Utilities Commission to grant the FairPoint motion without further hearing, as the record is now closed and the Commission's Orders have now become final in this matter. In the event the Commission is unable to promptly grant the FairPoint Motion, TDS Telecom respectfully requests the Commission to direct FairPoint to cooperate with TDS Telecom in the prompt disconnection of GNAPs from the TDS Telecom networks in New Hampshire.

The Commission has already ruled that TDS Telecom is entitled to access payments from Global NAPs, Inc. ("GNAPs") for toll traffic terminated by GNAPs to the TDS Telecom networks in New Hampshire.¹ The Commission reaffirmed its ruling in an Order Denying Reconsideration on April 2, 2010.² The Commission's Orders were not appealed. On April 13, 2010, TDS Telecom delivered a Notice of Pending Disconnection to GNAPs (and filed a copy with the Commission), stating TDS Telecom's intention to disconnect GNAPs from further termination services in New Hampshire as of May 4, 2010. The actual disconnection, however, requires

¹ DT 08-028, Order Addressing Petition for Authority to Block the Termination of Traffic From Global NAPs, Inc. (Order No. 25,043, Nov. 10, 2009) (the "Final Order"), at 25-26.

² DT 08-028, Order Denying Motion for Stay, Rehearing or Reconsideration (Order No. 25,088, Apr. 2, 2010) (the "Reconsideration Order").

action by FairPoint to block the delivery of GNAPs traffic to TDS Telecom at the FairPoint tandem switch.

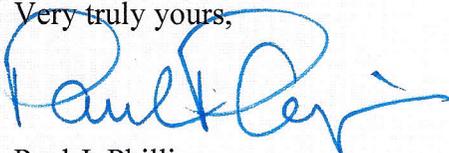
As of the present date, disconnection of GNAPS by TDS Telecom has not yet occurred, while TDS Telecom awaits further action by FairPoint.

The most efficient action would be for FairPoint to disconnect GNAPs fully from further use of the FairPoint network in New Hampshire. Such disconnection is authorized under both the Final Order and the Reconsideration Order. As the Commission recognized in the Reconsideration Order, N.H. Admin. Rule Puc 412.19 authorizes a telecommunications carrier "to disconnect non-residential customers, such as Global NAPs in this case, for violation of applicable tariff provisions, including non-payment for services rendered."³ Indeed, the Commission noted that its disconnection "rules do not require any action by this Commission prior to a utility disconnecting service under any of the delineated circumstances" and that "in fact, TDS was not required to petition the Commission for authority to cease allowing Global NAPs' traffic to terminate on its network."⁴ Under the Commission's Rules and Orders, FairPoint is subject to the same disconnection rights as TDS Telecom has exercised.⁵ TDS Telecom fully supports FairPoint's authority to disconnect GNAPs in New Hampshire, which will also enable TDS Telecom to disconnect GNAPs as provided in the April 13th disconnection notice.

TDS Telecom is also concerned that its own disconnection rights, which vested on May 4th, could be delayed by a dispute over the FairPoint motion. Even if FairPoint is unable to disconnect GNAPs from the FairPoint network, TDS Telecom will still require FairPoint's cooperation in the disconnection of GNAPs from the TDS Telecom networks. Thus, if it appears that FairPoint's Motion cannot be quickly granted, TDS Telecom respectfully asks that the Commission direct FairPoint to cooperate with TDS Telecom in its disconnection efforts and to use available measures to effect the immediate disconnection of GNAPs from the TDS Telecom networks in New Hampshire.

Please let me know if you have any questions.

Very truly yours,



Paul J. Phillips

cc: Attached Service List, Docket No. DT 08-028 (copies e-mailed where shown)

³ Reconsideration Order, at 19.

⁴ *Id.*, at 20.

⁵ For the present Motion, FairPoint has elected to seek the Commission's permission to disconnect GNAPs, in accordance with the instructions set forth in the Commission's Final Order. *See* Final Order (Nov. 10, 2009), at 25-26.

State of New Hampshire
Before the New Hampshire Public Utilities Commission

DT 08-028

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

SERVICE LIST

Original + 8 hardcopies + E-mail:

Debra A. Howland
Executive Director & Secretary
N.H. Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301-2429
executive.director@puc.nh.gov

(For Discovery Matters, 1 copy to:
Librarian
N.H. Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301-2429)

1 Copy Each (or by E-mail if E-mail Address Shown):

Lynn Fabrizio, Esq.
Staff Attorney & Hearings Examiner
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301
(603) 271-6030
Lynn.Fabrizio@puc.nh.gov

Meredith A. Hatfield
Office of Consumer Advocate
21 S. Fruit St, Suite 18
Concord, NH 03301-2429
(603) 271-1174
meredith.hatfield@puc.nh.gov

F. Anne Ross, Esq.
Director, Legal Division
New Hampshire Public Utilities Commission
21 S. Fruit Street Suite 10
Concord, NH 03301
(603) 271-6005
F.Anne.Ross@pec.nh.gov

William Rooney, Jr., Esq.
Vice President & General Counsel
89 Access Road, Suite B
Norwood, MA 02062
wrooney@gnaps.com

Kathryn M. Bailey
Director of Telecommunications
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301
(603) 271-2431
kate.bailey@puc.nh.gov

Steven M. Gordon, Esq.
Shaheen & Gordon, P.A.
107 Storrs Street, P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262
sgordon@shaheengordon.com
(for Global NAPs, Inc.)

David Goyette
Utility Analyst II
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301
(603) 271-6325
David.Goyette@puc.nh.gov

Lucy J. Karl, Esq.
Shaheen & Gordon, P.A.
107 Storrs Street, P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262
lkarl@shaheengordon.com
(for Global NAPs, Inc.)

DT 08-028 Service List (cont.)

Joel Davidow, Esq.
Kile Goekjian Reed McManus, PLLC
1200 New Hampshire Ave., N.W., Suite 570
Washington, DC 20039
(202) 659-8000
jdavidow@kqrmlaw.com
(for Global NAPs, Inc.)

Frederick J. Coolbroth
Devine, Millimet & Branch
Professional Association
43 North Main Street
Concord, NH 03301
fcoolbroth@devinemillimet.com
(for NHTA)

Darren R. Winslow, Controller
Union Communications
7 Central St., P.O. Box 577
Farmington, NH 03835-0577
dwinslow@utel.com
(for Union Telephone and BayRing)

Paul J. Phillips, Esq.
Joslyn L. Wilschek, Esq.
Primmer Piper Eggleston & Cramer PC
100 East State St., P.O. Box 1309
Montpelier, VT 05601-1309
pPhillips@ppeclaw.com
jwilschek@ppeclaw.com
(for Joint Petitioners)

Peter R. Healy, Esq.
Corporate and Regulatory Counsel
TDS Telecom
525 Junction Road, Suite 7000
Madison, WI 53717
peter.healy@tdsmetro.com

Kathy Barnekow
Director-Carrier Relations
TDS Telecommunications Corp.
525 Junction Road
Madison, WI 53717
kathy.barnekow@tdstelecom.com