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August 20, 2010

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

Re: Destek Networking Group, GNAPs and FairPoint

Dear Ms. Howland:

I am writing on behalf of Destek Networking Group to express our concern, confusion and frustration with the manner in which FairPoint handled the GNAPs shutoff and Destek.

A number of attempts were made last Friday (August 13) and again on Monday (August 16) to get either FairPoint or the PUC to delay the shutoff of GNAPs' inbound traffic for just two more days. The outbound traffic had already been shut off. As you can recall, we had a pending motion asking for emergency relief. GNAPs, as a CLEC in NH, was required to follow Admin. Rule Puc 431.14 concerning discontinuance of operations, which includes the filing of Form CLEC-34, a copy of the notice to customers required by the rule, and instructions for migration to an alternative carrier. That rule also specifies particular time periods before a CLEC can cease operations, most of which time periods start at least 30 days after 10 days from the date when the form and notice have been filed, and notice has been provided to customers. There are very specific, detailed requirements for the notices to customers that are laid out in Admin. Rule Puc 432.04. To the best of Destek's knowledge, GNAPs did not follow these rules and the PUC did not ensure that the required notification was made.

At the end of the day on Friday August 13, a FairPoint technician came to Destek and installed the PRI, but Destek (a three employee company) needed until Wednesday night to do what they needed to insure that its customers were not without service. Also on Friday (August 13) at 4:23 PM Staff filed a recommendation suggesting that the Commission should deny Destek's motion for emergency relief or just allow the shutoff that FairPoint planned for Monday August 16 to go into effect. In the meantime, FairPoint (we learned of this for the first time through another Staff memo filed on Thursday August 19 suggesting that the FairPoint/GNAPs docket be closed) filed a request for approval of a special contract with Destek on that same Friday, August 13. No one from either FairPoint or Staff ever told Destek or their attorney that



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this filing was going to or had taken place, nor was Destek given a copy of the filing. We are not sure why this is considered a special contract. This is not the agreement that Destek originally signed with FairPoint on July 26, 2010. Later FairPoint indicated that it could not live up to the terms of the original agreement, which mirrored the agreement that Destek had with GNAPs for eight years, apparently because of Staff's concerns that the July 26 contract would constitute a violation of Virtual NXX. Destek is therefore unsure of the substance of the agreement that FairPoint is now seeking approval for and would like to see what it has filed.

FairPoint went ahead and shutoff GNAPs and disconnected Destek on the morning of Monday August 16, without receiving anything from the PUC (Destek is unaware of any order denying Destek's motion, any letter from the Executive Director, or any correspondence from the PUC). Destek believes that it is unusual for a regulated company to take action when there is a pending motion asking the Commission that they not take that action, without notice from the Commission indicating that it has ruled on the motion. Destek also believes it is unusual that FairPoint did not notify the other party to the special contract that was filed.

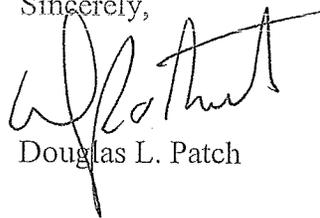
From Destek's perspective this entire situation demonstrates a significant failure of the regulatory process that resulted in the unwarranted disconnection of Destek's dial-up customers. Because FairPoint did not provide the Master Number for the PRI until Tuesday morning Destek's customers were offline and all three employees spent the entire day and most of Wednesday calling every customer to help each of them change the phone number programmed into their computers and get back online.

Destek therefore believes that the Commission should go back and review how this situation was handled, and provide a final report to the Commissioners. Destek would be happy to cooperate with such a review.

In addition Destek would like to see what FairPoint filed with the PUC on Friday. According to Docketbook, it was filed with a request for confidential treatment. See DT 10-218. Please provide us with a copy of the unredacted version of that filing.

Thank you for your attention to this matter.

Sincerely,



Douglas L. Patch

cc. FairPoint and PUC Staff