



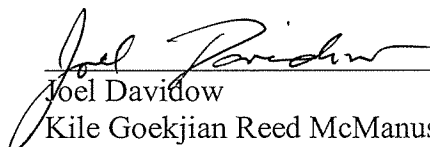
2) All documents discussing FairPoint's interpretation of clauses 8.1 and 2.43 of its ICA with Global or the same or similar provisions in its ICAs with other carriers;

3) A witness or document explaining whether FairPoint's bills to Global include carryover charges from before Verizon New England transferred its rights under the ICA to FairPoint;

4) A witness or document explaining how FairPoint justifies blocking dial-up internet traffic that is sent to Global for termination and is not and could not be subject to any FairPoint access charges or bills to Global;

5) A witness or document explaining why FairPoint refused to enter into dispute settlement when Global invoked dispute resolution procedures, pursuant to section 14 of the ICA, in its (attached) letter of June 16, 2009, from Global's in-house counsel to FairPoint's in-house counsel.

Respectfully Submitted,

  
Joel Davidow  
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wrooney@gnaps.com

Dated: June 11, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused copies of the foregoing to be served on the attached service list.

Executed this day, June 11, 2010.

A handwritten signature in black ink, appearing to read 'Victoria Romanenko', written over a horizontal line.

Victoria Romanenko

State of New Hampshire  
Before the New Hampshire Public Utilities Commission

~~XXXXXXXXXX~~  
DT 10-137

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

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Original + 7 copies + email:

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# EXHIBIT 1

**GLOBAL NAPS**  
**Legal Department**

William J. Rooney, Jr.  
89 Access Rd.  
Suite B  
Norwood, MA 02062  
Tel: (617) 687-1405  
Fax: (781) 551-9984  
Email: wrooney@gnaps.com

July 1, 2009

**VIA FEDERAL EXPRESS OVERNIGHT**

Karen Geraghty,  
Administrative Director  
Maine Public Utilities Commission  
242 State Street  
State House Station 18  
Augusta, ME 04333

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

Susan M. Hudson, Clerk  
Vermont Public Service Board  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601

**Re: FairPoint Notice to Terminate Services**

Dear Sir/Madam:

Global NAPs, Inc. ("Global") has been informed by FairPoint Communications, Inc. ("FairPoint") that it will terminate services provided to Global. See appended letter A.

Global has invoked the dispute resolution procedure pursuant to the interconnection agreement. It has outlined the important legal issues involved in the dispute due to the interstate, Voice over Internet Protocol ("VoIP"), and enhanced nature of the traffic Global delivers. See appended letter B.

Global expects that FairPoint will take no action until the dispute has been resolved per the interconnection agreement. If FairPoint chooses to ignore its obligations under the interconnection agreement, Global will seek immediate assistance from your agency.

In light of the likely disruption and public injury due to a termination of services by FairPoint, Global requests this agency to contact Fairpoint and ensure that no hasty termination occurs.



**EXHIBIT A**



1 Davis Farm Road  
Portland, ME 04103

June 15, 2009

Kile, Goekjian, Reed & McManus, PLLC  
Attn: Mr. Joel Davidow, Esq.  
1200 New Hampshire Avenue, NW  
Suite 570  
Washington, DC 20036

Re: **Global NAPS, Inc.**

Dear Mr. Davidow:

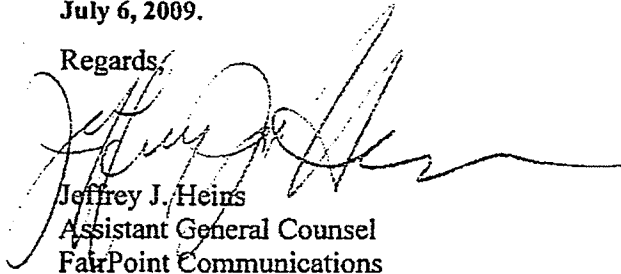
FairPoint Communications is in receipt of the documents you sent via e-mail on May 6, 2009. We have reviewed the documents provided but found your arguments unpersuasive.

FairPoint Communications does not accept your position regarding Global NAPS, Inc.'s ("GNAPS") claim of unapproved billing charges for Access Services and incorrect reciprocal compensation rates for Interconnection Services.

GNAPS has failed to cure the default under its Interconnection Agreements in Maine and Vermont for the nonpayment of undisputed past due balances owed to FairPoint Communications for Services provided. GNAPS has also failed to cure the default under FairPoint Communications Tariff F.C.C. No. 1 for the nonpayment of undisputed and past due balances owed to FairPoint Communications for Access Services provided.

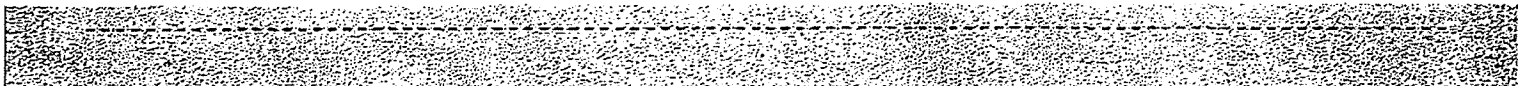
Therefore, please take notice that, pursuant to our April 20, 2009 and April 22, 2009 correspondence FairPoint Communications will proceed with the termination of services provided to GNAPS in the states of Maine and Vermont pursuant to your applicable Interconnection Agreements and the tariff, such termination is scheduled to occur on or after **July 6, 2009**.

Regards,



Jeffrey J. Heins  
Assistant General Counsel  
FairPoint Communications  
1 Davis Farm Road  
Portland, ME 04103

cc: Tom Nolting



# EXHIBIT B

**GLOBAL NAPS**  
**Legal Department**

William J. Rooney, Jr.  
89 Access Rd.  
Suite B  
Narwood, MA 02082  
Tel: (617) 887-1405  
Fax: (781) 651-9984  
Email: wrooney@gnaps.com

June 16, 2009

**VIA FEDERAL EXPRESS**

Jeffrey J. Heins  
Assistant General Counsel  
FairPoint Communications  
1 Davis Farm Road  
Portland, ME 04103

**Re: VT/ME- FAIRPOINT Notices to Discontinue**

Dear Sir/Madam:

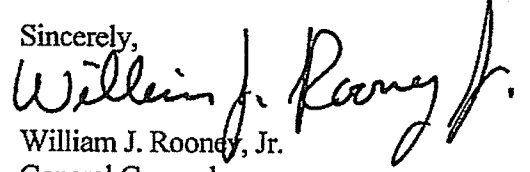
Pursuant to section 14 of the Interconnection Agreement between Verizon New England, Inc. d/b/a Verizon Vermont and section 29.9 of the Interconnection Agreement between Verizon New England, Inc. d/b/a Verizon Maine ("Verizon"), predecessor in interest to FairPoint Communications, Inc. ("FairPoint") and Global NAPs, Inc. ("Global"), Global invokes the dispute resolution procedures.

The dispute is as follows: Global hereby challenges the amount of your demand. It is not clear what your demand relates to, or the calculation of the amount.

Global assumes that FairPoint seeks to have Global compensate it for toll charges/access charges on Voice over Internet Protocol ("VoIP") and other Enhanced Service Provider ("ESP") traffic. As early as 2003, Global notified Verizon that its traffic is information access traffic and not subject to access charges (please see appended letter). Federal law is clear that access charges do not relate to such traffic. It is my understanding that these charges relate to transport and/or other charges associated with the carriage of ISP-bound calls by FairPoint in Vermont to Global NAPs, Inc. Global's objections include, but are not limited to the following five arguments:

1. The assessment of additional charges above and beyond those delineated in the *ISP Remand Order* at ¶77 et. seq. violates federal law;
2. If any carrier should be assessing access charges, it should be Global for terminating access with respect to FairPoint end users originating calls which traverse two or more FairPoint-defined local calling areas;
3. All outbound communications terminating on FairPoint's network are from enhanced service providers and thus exempt from access charges by virtue of FCC rulings;

Sincerely,



William J. Rooney, Jr.  
General Counsel

WJR; ljc

cc: Jeffrey J. Heins  
Assistant General Counsel  
FairPoint Communications  
1 Davis Farm Road  
Portland, ME 04103

License Administration Center  
FairPoint Communications  
615 Odlin Road  
Bangor, ME 04401

# EXHIBIT 2

**Joel Davidow Esq**

---

**From:** jdavidow [jdavidow@kgrmlaw.com]  
**Sent:** Monday, June 15, 2009 12:57 PM  
**To:** 'Heins, Jeff (So. Portland, ME)'  
**Cc:** 'Frank Gangi'; 'William Rooney'  
**Subject:** RE: Documents for FairPoint

The typical approach in the industry is to put up , or start paying, a typical VoIP rate such as \$.00045 per MOU, plus some time payment at that rate for past MOU, while stating that the numbers and result may change upon FCC release of its inter-carrier compensation report. We know of no intermediate VoIP forwarder who has ever paid anything other than numbers in such range. Access charges of a penny a minute or more are ten or more times higher than Global can get paid for forwarding the calls it receives from Vonage through CommPartners and Transcom.

Thus, we are forced to litigate these matters to the last detail rather than concede the applicability of a payment structure that would doom us to instant bankruptcy. If you check out fn. 92 in the Middle FCC ruling, you will see the Commission stating that intermediate carriers are not the ones who pay access charges. Thus, we believe that litigation would show that most of our traffic ins net protocol shift traffic immune from access charges and that the rest involves an IXC who took the call from some ported number and sent it to Transcom, thus meaningt that such IXC, should pay the access charges (or, if Transcom has significantly enhanced such call by use of its Verras converters, that the call is not telecommunications.)

-----Original Message-----

**From:** Heins, Jeff (So. Portland, ME) [mailto:jheins@fairpoint.com]  
**Sent:** Monday, June 15, 2009 12:30 PM  
**To:** jdavidow@kgrmlaw.com  
**Cc:** Morrissey, Michael (So Portland, ME)  
**Subject:** RE: Documents for FairPoint

Joel: if your client is prepared to make a substantial payment towards it's A/R balance with FairPoint Communications I would be happy to discuss.

Jeff

Jeffrey J. Heins - Assistant General Counsel  
FairPoint Communications | 1 Davis Farm Road Portland, ME 04103 | [jheins@Fairpoint.com](mailto:jheins@Fairpoint.com)  
207-648-3048 (office) | 207-233-7660 (cell) | 207-797-5022 (fax)

---

**From:** jdavidow [mailto:jdavidow@kgrmlaw.com]  
**Sent:** Friday, June 12, 2009 5:50 PM  
**To:** Heins, Jeff (So. Portland, ME)  
**Cc:** Morrissey, Michael (So Portland, ME)  
**Subject:** RE: Documents for FairPoint

Would there be any point in a meeting about this?

-----Original Message-----

**From:** Heins, Jeff (So. Portland, ME) [mailto:jheins@fairpoint.com]  
**Sent:** Friday, June 12, 2009 2:29 PM  
**To:** jdavidow@kgrmlaw.com  
**Cc:** Morrissey, Michael (So Portland, ME)

12/4/2009

# EXHIBIT 3