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July 18, 2007



OFFICES IN:  
MANCHESTER  
CONCORD  
PORTSMOUTH

**Via Hand Delivery**

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

**Re: DT 07-011 - Verizon New England Inc., Bell Atlantic Communications, Inc.,  
NYNEX Long Distance Company, Verizon Select Services Inc. and FairPoint  
Communications, Inc.**

Dear Ms. Howland:

Enclosed for filing with the Commission are an original and six copies of Verizon New England Inc., et al.'s Objection to Office of Consumer Advocate's Motion to Extend Procedural Schedule and Request for Expedited Decision. An electronic copy of the filing will be provided to the PUC librarian.

Thank you for your assistance with this matter.

Very truly yours,

Steven V. Camerino

SVC:cb  
Enclosures

cc: Service List (by electronic mail)  
Librarian (by electronic mail)  
Meredith Hatfield, Esq., Consumer Advocate (by electronic mail and hand delivery)

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, Verizon Select Services Inc. and FairPoint Communications, Inc.

Docket No. DT 07-011

**VERIZON NEW ENGLAND INC. ET AL.'S OBJECTION TO OFFICE OF CONSUMER ADVOCATE'S MOTION TO EXTEND PROCEDURAL SCHEDULE AND REQUEST FOR EXPEDITED DECISION**

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Verizon Select Services Inc. ("Verizon") submit this objection to the Office of Consumer Advocate's ("OCA") Motion to Extend Procedural Schedule and Request for Expedited Decision (the "Motion"). In support hereof, Verizon states as follows:

1. Three days before its testimony is due in this docket, the OCA has sought a last minute reprieve from its filing deadline, asking the Commission to indefinitely delay the time for the filing of its testimony. OCA claims that this extraordinary relief is necessary because FairPoint, acting in good faith, has met its obligation under Commission rules to update its already issued discovery responses. The Commission should deny OCA's request because OCA has not met its heavy legal burden of demonstrating the necessity for such extreme relief, particularly in light of the significant harm it would cause to FairPoint and Verizon.

2. As OCA itself acknowledges, the discovery in this case has been "encyclopedic." To date, FairPoint and Verizon have responded to over 2,000 data requests, a significant number of which were generated by OCA. It is not surprising, given the magnitude of discovery in this

case, that some of the responses would require supplementation as further information has become available.

3. The Commission rules not only contemplate the need for supplementation of discovery responses, but require it. *See* Puc 203.09(k) (“When a party has provided a response to a data request, and prior to the issuance of a final order in the proceeding, the party shall have the duty to reasonably and promptly supplement the response if the party obtains information which the party would have been required to provide in such response had the information been available to the party at the time the party served the response.”).

4. OCA’s request unnecessarily jeopardizes the closing date of this transaction because FairPoint has played by the rules and provided additional information in compliance with Commission requirements. Yet OCA fails to acknowledge that the Commission rules expressly provide for supplementation of discovery requests *up to the time of issuance of a final order* in a proceeding. As OCA would have it, the supplementation of a data response would set the clock back in a proceeding, even if a final hearing had occurred and an order was outstanding. This cannot have been the intention of the Commission in promulgating Puc 203.09(k).

5. Equally important, OCA has framed its request as though the supplemented information provided by FairPoint somehow is critical to a review of core issues in this docket. That is not the case. For example, some of the supplemented data about which OCA complains relates to information the Commission has concluded is not relevant to or admissible in evidence in this proceeding. *See* Order No. 24,767. Surely that cannot provide a basis to derail the entire procedural schedule and jeopardize the closing date for the transaction (around which the parties had developed and the Commission had ordered the procedural schedule). OCA also cites to

Capgemini's expanded responsibilities as a basis to put off filing its testimony, when OCA has already served a significant number of data requests relating to Capgemini's post-closing role and has had the chance to meet with and inquire of Capgemini staff at multi-day technical sessions.

6. Further, the current procedural schedule already accommodates OCA's purported concern for time to digest and comment on recently produced information. On August 22, OCA has the opportunity to provide any additional testimony it believes is necessary based on filings by other parties and the then current state of information. This would give OCA a month and a half to review and prepare its comments on information it received in mid-July. There is simply no reason why this should not be sufficient time for OCA to alert the Commission to any further issues it may have based on its review of documents it received before its July 20 testimony deadline.

7. For all of the reasons set forth above, OCA has not met its burden of proof under Puc 202.04 that it would suffer undue hardship or inconvenience if the extension were not granted. This is particularly the case when juxtaposed against the adverse effect OCA's request would have on Verizon and FairPoint, because a stay in the procedural schedule and an indefinite delay of parties' obligations to file testimony would likely make closing by the end of January impossible. The Commission should not concede to OCA's request and should maintain the current procedural schedule that was agreed to by the parties and ordered by the Commission in the docket.

WHEREFORE, Verizon respectfully requests that the Commission:

- A. Deny OCA's Motion to Extend Procedural Schedule;
- B. Maintain the current procedural schedule, and;
- C. Grant such other and further relief as the Commission deems necessary and just.

Respectfully submitted,

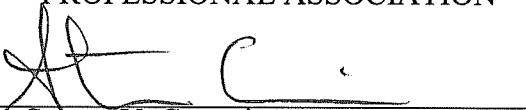
VERIZON NEW ENGLAND INC.  
BELL ATLANTIC COMMUNICATIONS, INC.  
NYNEX LONG DISTANCE COMPANY  
VERIZON SELECT SERVICES INC.

By their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,  
PROFESSIONAL ASSOCIATION

Date: July 18, 2007

By:

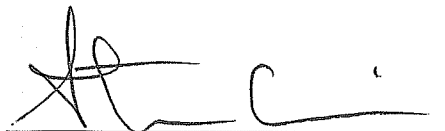


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Certificate of Service

I hereby certify that on July 18, 2007, a copy of this Objection to OCA's Motion to Extend Procedural Schedule has been forwarded to the parties listed on the Commission's service list in this docket.



Steven V. Camerino