

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: November 8, 2012

AT (OFFICE): NHPUC

FROM: ^{ML} Michael Ladam, Assistant Director of Telecommunications

SUBJECT: DT 12-321, Northern New England Telephone Operations, LLC
d/b/a FairPoint Communications – NNE Tariff Filing to Revise NH
PUC Tariff No. 3: Access Service Tariff

TO: Commissioners
Debra Howland, Executive Director
Kate Bailey, Director, Telecommunications

On Oct. 23, 2012, Northern New England Telephone Operations, LLC d/b/a FairPoint Communications – NNE (FairPoint) submitted a filing to revise the language in its wholesale access Tariff No. 3. According to FairPoint, this revision removes references to the retail services Tariff No. 1, which is being withdrawn pursuant to Senate Bill 48, which took effect in August, 2012.

Under the proposed revision, the wholesale tariff would incorporate by reference certain definitions that were previously in Tariff No. 1 and are now maintained on FairPoint's web site, which is not subject to Commission review. This approach may be workable, but it raises concerns regarding potential indirect changes to Tariff No. 3 that may occur in the future without notice.

Staff is reviewing the potential effects of any such changes based upon the language of the revision, and exploring the question of whether such incorporation of external text by reference is appropriate in a tariff. In staff's assessment, completing an adequate review of this language will require additional time. Staff therefore recommends extending the time for determination of the proposed revision by 30 days, to Dec. 23, 2012, pursuant to NH RSA 378:6, IV.