

November 19, 2012

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



Re: *FairPoint Communications —
Tariff Filing to Revise NHPUC No. 3 - Access Service Tariff, DT 12-321
Tariff Filing to revise NHPUC No. 4 Resale Services Tariff, DT 12-322
Tariff Filing for Revisions Consistent with Triennial Review Order TRO, DT 12-323*

Dear Ms. Howland:

The CLEC Association of Northern New England, Inc. (CANNE)¹ requests that the Commission convene a technical session under the auspices of the Commission Staff to review and discuss three sets of proposed tariff revisions filed by Northern New England Telephone Operations, LLC, b/b/a FairPoint Communications-NNE (“FairPoint”) on October 23, 2012. At the technical session, CANNE requests that FairPoint be required to describe the proposed revisions, explain their proposed effect, and state why FairPoint believes they are justified.

FairPoint’s filings include over 170 pages of revisions. A large part of the proposed revisions assertedly arise from Federal Communications Commission decisions made as long as nine years ago. Implementation of these FCC decisions led to extensive litigation and arbitration proceedings in New Hampshire and other states in the mid-2000s. Particularly in light of the age of the underlying FCC decisions, the Commission should take the time necessary to understand and evaluate the proposed changes with full information and the advantage of input from all interested parties.²

¹ CANNE is a not-for-profit association of facilities-based CLECs in Maine, New Hampshire and Vermont. Its members that do business in New Hampshire include Biddeford Internet Corp., d/b/a Great Works Internet; Choice One of New Hampshire, Inc., Conversent Communications of New Hampshire, LLC, CTC Communications Corp., and Lightship Telecom, LLC, all of which do business as EarthLink Business; Freedom Ring Communications, LLC, d/b/a BayRing Communications; G4 Telecom – NH, Inc., d/b/a Otel Telekom; Mid Maine Telplus and CRC Communications of Maine, Inc., collectively doing business as OTT Communications; National Mobile Communications Corp., d/b/a Sovernet Communications; and segTEL, Inc. Each of the specified members of CANNE offers competitive local exchange services and other telecommunications services in New Hampshire. They do so in part by obtaining various wholesale services, which may include unbundled network elements, resold services, and access services, from FairPoint.

² CANNE’s preliminary review notes, at a minimum, that the proposed revision to Tariff No. 2, Part B, § 2.1.1.G, does not comply with the requirements established by the Commission in DT 05-083 relating to classification or reclassification of wire centers as “non-impaired” with respect to the availability of unbundled high-capacity loops and transport and dark fiber transport.

MAIN OFFICE

**FAGELBAUM &
HELLER LLP**

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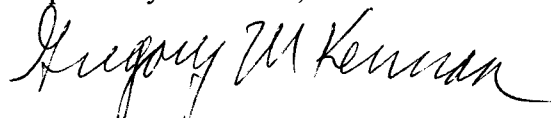
In addition, this is the first set of wholesale tariff revisions made after enactment of Acts of 2012, Chapter 177. CANNE and other interested parties, as well as the Commission, should have adequate time to review the proposed revisions in light of the new statutory requirements.

FairPoint's proposed effective date for the revisions to tariff no. 2 is November 23, 2012. This simply does not give enough time for a thorough review of these extensive changes.³

For all the foregoing reasons, CANNE respectfully requests that the Commission:

- suspend under RSA 378:6 the proposed revisions to FairPoint's tariffs No. 2, 3, and 4 filed in the DT 12-321, -322- and -323;
- direct the Commission Staff to convene a technical session or sessions for all interested parties to review the proposed revisions; and
- grant such other relief as may be appropriate and just.

Respectfully submitted,



Gregory M. Kennan

Cc: Patrick McHugh, Esq., FairPoint
Susan Chamberlin, Esq., OCA

³ CANNE is aware that the Commission has granted an additional thirty days for review of the access (DT 12-321) and resale (DT 12-322) tariffs, or until approximately December 22. Because the proposed revisions were filed at the same time and appear to raise overlapping issues, the Commission should review and consider all the revisions together.