

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

**In re Northern New England Telephone
Operations, LLC — Tariff Filing to
Implement Certain Provisions of the Order
on Remand**

DT 12-337

**CANNE’S OPPOSITION TO FAIRPOINT’S MOTION TO STRIKE
AND RESPONSE TO FAIRPOINT’S MOTION TO FILE REPLY**

The CLEC Association of Northern New England, Inc. (“CANNE”), opposes FairPoint’s September 24, 2013 motion to strike (“Motion to Strike”) portions of CANNE’s September 9th response (“CANNE’s Response”) to the Commission’s August 15th Secretarial Letter, and responds as follows to FairPoint’s alternative motion to file a reply (“FairPoint Reply”).

CANNE’s Response was not improper. It addressed legal issues germane to the classification of the seven wire centers at issue and/or raised in Order No. 25,514, in which the Commission directed the Staff to conduct this investigation. For example, the Commission specifically raised burden of proof in that order (p. 9), and, given that there are factual questions affecting reclassification of the remaining wire centers, the issue is squarely relevant. A new Maine Commission decision is relevant to the transition periods applicable to the seven wire centers (as well as generally). That only seven wire centers currently are at issue, down from FairPoint’s original twenty-eight, underscores the need to tighten future proceedings as the Commission considers the specific classifications of the remaining wire centers. Thus, CANNE believes that the discussions in CANNE’s Response will be helpful to the Commission’s

determinations regarding the subject wire centers and by extension, wire center reclassifications generally.

In addition, FairPoint claims that in its previous filings, the Commission already has heard all the arguments FairPoint has on these issues. Regarding burden of proof, “FairPoint has already discussed its position on this issue in its Motion for Rehearing, and has little to add at this point” FairPoint Reply at 1 (footnote omitted). Likewise, as to transition periods, “FairPoint has discussed its position on this issue in its Comments” FairPoint Reply at 3. If that is so, there is no prejudice to FairPoint if the Commission considers CANNE’s discussions of these issues.

Nevertheless, if FairPoint wishes a few more words on the issues that CANNE discussed, and the Commission thinks it helpful, CANNE has no objection to the Commission’s considering FairPoint’s Reply. Certainly, FairPoint’s filing of a reply vitiates any (albeit unfounded) claims of prejudice from the discussions in CANNE’s Response.

September 27, 2013

Respectfully submitted,

Handwritten signature of Gregory M. Kennan in blue ink.

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