

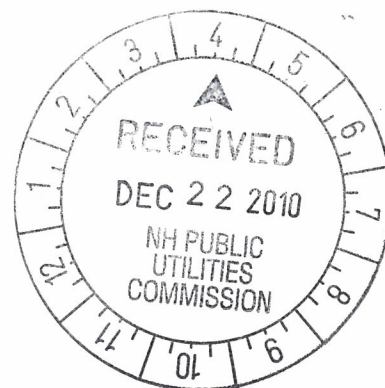


December 22, 2010

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VIA HAND DELIVERY

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



Re: DT 07-011; Transfer of Assets to Fair Point Communications, Inc.

Dear Ms. Howland:

On behalf of Northern New England Telephone Operations LLC d/b/a FairPoint Communications ("FairPoint") this correspondence responds to the submission dated December 7, 2010 ("December 7th CLEC Letter"), from seven competitive local exchange carriers (the "CLECs"). In that submission, the CLECs have attempted, among other things¹, to support some of the complaints in their previous letter of November 17, 2010, with specific assertions that purport to illustrate FairPoint's failure to properly implement the PAP. After investigating these assertions, FairPoint has determined that each of the measures was properly determined. A summary of FairPoint's findings is attached to this letter.

As the attached summary establishes, the CLECs' analysis fails to consider PAP provisions related to (i) small sample size, (ii) a provision known as "-1 recapture", and (iii) the Special Provision rules for metric combining. Given that the CLECs undoubtedly devoted significant effort to their analysis, the CLECs failure to consider these basic PAP provisions amply demonstrates the difficulty in mastering the intricacies of the current PAP. In fact, the CLEC Letter is a testament to the need for a Simplified Metric Plan to replace the current PAP, and FairPoint notes that the current proposal eliminates or simplifies all three of these administratively complicated provisions. FairPoint therefore reiterates that there is no good reason to audit the current PAP and again suggests that rather than devoting resources to investigating problems with a PAP that has proven so difficult for many parties to understand and monitor, it would be best for all involved to focus instead on developing a Simplified Metric Plan.

Just as importantly, FairPoint also notes that the December 7th CLEC Letter was the first time FairPoint received notice from the CLECs of any of the alleged errors described therein. As the attached summary indicates, all of these so called errors could have been addressed quickly on a business-to-business basis. Not every grievance needs to be a Commission matter. Many CLEC issues can be handled amicably with direct communication between the CLEC and FairPoint without being automatically escalated to the Commission. FairPoint has established a number of avenues for CLECs to bring their concerns, including the "fairpointinput@fairpoint.com" email box and the wholesale helpdesk, not to mention assigned account and service managers for each CLEC. Yet working cooperatively with FairPoint obviously is not a goal of the CLECs. Nonetheless, FairPoint respectfully requests that the Commission resist the CLEC

¹ The CLECs raised other issues in the December 7th CLEC Letter related to wholesale performance deficiencies and omitted metric tracking. However, these issues already have been exhaustively detailed by all of the parties and do not require additional proceedings, let alone an audit.

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attempts to enlist it as the intermediary for such inquiries and instead request that it encourages the CLECs to conform to established issue-reporting procedures in the first instance before escalating their disputes.

Please also note that FairPoint continues to reserve its right to argue that proceeding with this audit violates the automatic stay provisions of chapter 11 of title 11 of the United States Code issued in connection with the cases jointly administered under the caption *In re FairPoint Communications, Inc.*, Case No. 09-16335 (BRL) in the United States Bankruptcy Court for the Southern District of New York. FairPoint reserves its right to argue that any and all proceedings and actions related to FairPoint's performance under the PAP are stayed or should be stayed and to seek appropriate relief with the Bankruptcy Court.

A compact disk containing this filing is enclosed.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Patrick C. McHugh".

Patrick McHugh, Esq.
Vice President and Assistant General Counsel

Enclosures