

SMITH & DUGGAN LLP
ATTORNEYS AT LAW

TWO CENTER PLAZA
SIXTH FLOOR
BOSTON, MA 02108-1906
TEL 617.228.4400
FAX 617.248.9320

ALAN D. MANDL
AMANDL@SMITHDUGGAN.COM
DIRECT DIAL: 617.228.4464
LINCOLN OFFICE

LINCOLN NORTH
55 OLD BEDFORD ROAD
LINCOLN, MA 01773-1125
TEL 617.228.4400
FAX 781.259.1112

October 18, 2007

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



Re: DT 07-011, Verizon and FairPoint Communications, Inc.
Transfer of Assets to FairPoint Communications, Inc.

Dear Ms. Howland:

On October 17, 2007, FairPoint Communications, Inc. counsel emailed to the parties a Settlement Stipulation among (1) FairPoint and (2) BayRing Communications, segTel, Inc. and Otel Telekom, Inc. ("CLEC Parties"), dated October 17, 2007.

The subject matter of the Settlement Stipulation overlaps extensively with issues that are covered in testimony by several FairPoint witnesses, including Brian Lippold, Michael Skrivan, Michael Haga and Arthur Kurtze. These FairPoint witnesses currently are listed as the first witnesses to testify on October 22, 2007, the first hearing day in this matter.

The New England Cable and Telecommunications Association, Inc. ("NECTA") and Comcast Phone of New Hampshire, LLC ("CPNH") have pre-filed extensive direct testimony on issues that overlap with the subject matter of the Settlement Stipulation. In addition, based on the scheduling of FairPoint witnesses, I anticipate that NECTA and CPNH will be cross-examining the above FairPoint witnesses on October 22, 2007.

NECTA and CPNH request that the sponsors of the Settlement Stipulation be directed to present brief testimony that explains the terms of the Settlement Stipulation and that they answer questions from the parties and the Commission about the Settlement Stipulation prior to the parties' conducting cross-examination on the pre-filed testimony and exhibits of Brian Lippold,

Deborah A. Howland, Executive Director
October 18, 2007
Page 2


Michael Skrivan, Michael Haga and Arthur Kurtze. We believe that this process is critical to an understanding of the impact of Commission approval of portions of the Settlement Stipulation and whether FairPoint is now adopting through the Settlement Stipulation any positions on contested that have been taken by NECTA/CPNH witness Michael D. Pelcovits in his direct testimony.

We do not believe it necessary to question the CLEC parties' witnesses regarding the Settlement Stipulation, if at all, until such time as they are scheduled to testify.

NECTA and CPNH further request that their witness, Dr. Pelcovits, be afforded an opportunity to provide supplemental testimony orally regarding the Settlement Stipulation.

Thank you for your assistance in this matter. Any procedural rulings on these issues prior to the commencement of hearings on October 22, 2007, would be very helpful.

Very truly yours,



Alan D. Mandl

cc: Service List
Donald M. Kreis, General Counsel