

THE STATE OF NEW HAMPSHIRE

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February 29, 2008

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



**Re: DT 07-011 Verizon New England/FairPoint Communications
FairPoint's Response to OCA Motion for Immediate Clarification of Order No. 24,823**

Dear Ms. Howland:

We write in response to FairPoint's response to the OCA's Motion for Immediate Clarification of Order No. 24,823. In paragraph 7 of FairPoint's response, the company states, "FairPoint's position was that the terms of this side agreement, and its existence, should be confidential." In fact, FairPoint required, as a condition to the agreement regarding access to the documents at issue, that the OCA not disclose either the existence or the content of the agreement. For that reason, the OCA did not disclose the agreement in our Motion.

After reaching the agreement with FairPoint, before the issuance of the Order, the OCA spent many hours in discussions with FairPoint in search of a way to address the fact that we did have an agreement for access to the documents, but that we had a pending request for production of the documents. FairPoint would not agree to the OCA's disclosure of the existence of the agreement.

Fundamentally, the OCA's Motion requests a ruling from the Commission on whether the OCA is entitled to receive, under the law, a copy of documents filed with the Commission for review and action in an adjudicative proceeding in which the OCA is a full participant. The limited access to the documents under an agreement with the company does not address this question. Moreover, it does not relieve the Commission of its obligation to explicitly rule on the OCA's request made at the hearing. *See* RSA 541:35 (requiring findings of fact and rulings of law). For that reason we reaffirm our request for such a ruling and respectfully disagree that our request is moot.

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We have served an electronic copy of this letter upon all parties and the Commission. Please do not hesitate to contact us should you require further information, or if the Commission would benefit from a hearing on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Hatfield', is written over a light gray rectangular background.

Meredith A. Hatfield
Consumer Advocate

cc: service list via electronic mail