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August 29, 2007

Re: Docket No. DT 07-011
Verizon New England, Inc. et alia
Petition for Approval of Asset Transfer to FairPoint Communications, Inc.
Office of Consumer Advocate Motion for Prehearing Conference

To the Parties:

The Commission is in receipt of an August 24, 2007 motion by the Office of Consumer Advocate (OCA) in the above-referenced docket requesting the scheduling of a prehearing conference before a hearings examiner. The motion describes, from the perspective of OCA, certain problems arising out of multi-level confidentiality designations made by the petitioners with respect to information provided by them in discovery. The case is scheduled for extensive hearings that begin on October 22, 2007. OCA requests that the Commission resolve these issues so that preparations for the hearings can continue on an unimpeded basis and so that the hearings themselves can be conducted in an appropriate manner.

A separate motion of OCA, also filed on August 24, 2007, requests that the Commission make specific confidentiality determinations with respect to documents provided by the petitioners in discovery. In this motion, OCA stresses that it is not itself seeking confidential treatment of the information. Rather, OCA seeks clarity about the status of these documents.

Having reviewed these pleadings, the Commission agrees with OCA that confidentiality issues raise serious concerns with respect to the Commission's ability in this proceeding "to secure a just and timely determination of the issues," which is the overall context in which the Commission interprets and applies its procedural rules. *See* N.H. Code Admin. Rules Puc 201.03 (governing construction of Puc 200 rules). The concerns relate both to the conduct of the hearings themselves and the parties' ability to prepare for the hearings.

Accordingly, the Commission has granted OCA's request for a prehearing conference before a hearings examiner. The Commission has scheduled the prehearing conference for September 6, 2007 at 9:00 a.m. and has designated General Counsel Donald Kreis to

hear the parties, report the facts and make recommendations to the Commission pursuant to RSA 363:17.

In addition, to the extent that any party has caused another party to sign a nondisclosure, confidentiality, protective or other similar agreement with another party in connection with this proceeding, the party entitled to such nondisclosure, confidentiality or protective treatment shall file a copy of the agreement with the Commission on or before September 4, 2007.

Very truly yours,

A handwritten signature in cursive script that reads "Debra A. Howland". The signature is written in black ink on a light-colored background.

Debra A. Howland
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Docket #: 07-011 Printed: September 05, 2007

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