

THE STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
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OFFICE OF THE CONSUMER ADVOCATE
21 S. FRUIT ST., SUITE 18
CONCORD, NEW HAMPSHIRE 03301-2429

May 25, 2007

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



Re: DT 07-011 Verizon New England/FairPoint Communications
OCA's Notice of Reservation of Rights

Dear Ms. Howland:

Enclosed for filing with the Commission please find an original and seven copies of the Office of Consumer Advocate's (OCA's) Notice of Reservation of Rights Concerning FairPoint's Responses to Certain Group II, Set 1 Data Requests and Notice of Reservation of Rights Concerning Verizon's Responses to Certain Group II, Set 1 Data Requests. A copy of the motions have been served electronically on all parties in this docket.

Sincerely,

Meredith A. Hatfield
Consumer Advocate

cc: Service List

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BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DT 07-011

**VERIZON NEW ENGLAND, INC., BELL ATLANTIC COMMUNICATIONS, INC.,
NYNEX LONG DISTANCE CO., VERIZON SELECT SERVICES, INC.,
AND FAIRPOINT COMMUNICATIONS, INC.**

Transfer of Assets to FairPoint Communications, Inc.

**OFFICE OF CONSUMER ADVOCATE'S
NOTICE OF RESERVATION OF RIGHTS CONCERNING
FAIRPOINT'S RESPONSES TO CERTAIN GROUP II, SET 1, DATA REQUESTS**

The Office of Consumer Advocate (OCA) hereby notifies the N.H. Public Utilities Commission (Commission), FairPoint Communications, Inc. (FairPoint), the other parties and Commission Staff that the OCA reserves its rights to compel the responses of FairPoint to certain Group II data requests and to propound additional data requests concerning the subjects covered by the OCA's Group II, set 1. In support, the OCA states the following:

1. According to the Commission's procedural rules, a motion to compel is due today concerning responses to certain Group II, set 1, data requests.¹
2. Pursuant to the procedural schedule, the OCA propounded Group II, set 1, data requests on FairPoint on April 13.²
3. On April 20, 2007, FairPoint responded with objections to some of these data requests.³

¹ Puc 203.09(i)(2).

² Order 24,733, March 16, 2007, pp. 6-7, and 20, and Staff Report of Technical Session held on February 27, 2007, dated March 5, 2007.

³ In addition to eight "General Objections," FairPoint specifically objected in whole or in part to the following Group II data requests: OCA II 1-2, 1-5, 1-6, 1-8, 1-9, 1-12, 1-15, 1-16, 1-18, 1-19, 1-23, 1-24, 1-25, 1-27, 1-28, 1-32, 1-34, 1-38, 1-41, 1-43, 1-45, 1-51, 1-54, 1-55, 1-56, 1-58, 1-59, 1-60, 1-63, 1-65 and 1-70. FairPoint referred to these data requests as 2-2, 2-5, 2-6, 2-8, 2-9, 2-12, 2-15, 2-16, 2-18, 2-19, 2-23, 2-24, 2-25, 2-27, 2-28, 2-32, 2-34, 2-38, 2-41, 2-43, 2-45, 2-51, 2-54, 2-55, 2-56, 2-58, 2-59, 2-60, 2-63, 2-65 and 2-70. The OCA, however, considers the present set of data requests as set one of Group II. If the OCA propounds a second set of Group II data requests, it would use the prefix "2-" to refer to these (e.g., OCA II 2-1, OCA II 2-2, etc.). As such, and in hopes of avoiding any confusion about possible future sets

4. Within its written objections or during subsequent discussions with the OCA, however, FairPoint agreed to provide some response to all of these objected-to data requests.

5. FairPoint's responses were due following the deadline for a motion to compel under the procedural schedule. Consequently, the OCA notified the Commission, FairPoint, Staff and the other parties that it reserved its rights to compel the responses it received to the objected-to data requests.⁴

6. The OCA received FairPoint's responses to Group II, set 1, data requests on May 4, 2007.

7. Thereafter, the OCA identified five responses which were incomplete or nonresponsive: OCA II 1-18, OCA II 1-23, OCA II 1-47, OCA II 2-62, and OCA 2-65(e).

8. The OCA engaged in discussions with FairPoint pursuant to Puc 203.09(i)(4) in an attempt to resolve the disputes during the week of May 20th.

9. As a result of these discussions, FairPoint has agreed to provide additional information responsive to these data requests.

10. In agreeing to accept, for the time being, FairPoint's offer to provide additional responses to these Group II, set 1, data requests, the OCA does not waive its rights to compel further responses to these data requests or to propound additional data requests concerning the subjects covered by the OCA's Group II, set 1.

11. As such, the OCA reserves these rights and hereby notifies the Commission, FairPoint, other parties and Staff of this reservation of rights.

of Group II data requests, the OCA refers to the disputed set-one data requests in this motion using the prefix "OCA II 1-".

⁴ OCA's Notice of Reservation of Rights to Compel FairPoint's Responses to Group II, Set 1, Data Requests, dated April 27, 2007.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was forwarded this day to the parties by electronic mail.

May 25, 2007



Meredith A. Hatfield

BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DT 07-011

**VERIZON NEW ENGLAND, INC., BELL ATLANTIC COMMUNICATIONS, INC.,
NYNEX LONG DISTANCE CO., VERIZON SELECT SERVICES, INC.,
AND FAIRPOINT COMMUNICATIONS, INC.**

Transfer of Assets to FairPoint Communications, Inc.

**OFFICE OF CONSUMER ADVOCATE'S
NOTICE OF RESERVATION OF RIGHTS CONCERNING
VERIZON'S RESPONSES TO CERTAIN GROUP II, SET 1, DATA REQUESTS**

The Office of Consumer Advocate (OCA) hereby notifies the N.H. Public Utilities Commission (Commission), Verizon New England (Verizon NE), Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Co., and Verizon Select Services, Inc. (collectively, Verizon), the other parties and Commission Staff that the OCA reserves its rights to compel the responses of Verizon to certain Group II data requests and to propound additional data requests concerning the subjects covered by the OCA's Group II, set 1. In support, the OCA states the following:

1. According to the Commission's procedural rules, a motion to compel is due today concerning responses to certain Group II, set 1, data requests.¹
2. Pursuant to the procedural schedule, the OCA propounded Group II, set 1, data requests on Verizon on April 13.²
3. On April 20, 2007, Verizon responded with objections to some of these data requests.³

¹ Puc 203.09(i)(2).

² Order 24,733, March 16, 2007, pp. 6-7, and 20, and Staff Report of Technical Session held on February 27, 2007, dated March 5, 2007.

³ In addition to ten "General Objections," Verizon specifically objected in whole or in part to the following Group II data requests: OCA II 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-18, 1-19, 1-20, 1-21, 1-22, 1-24, 1-27, 1-28, 1-29, 1-30, 1-31, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-

4. Within its written objections or during subsequent discussions with the OCA, however, Verizon agreed to provide some response to many of these objected-to data requests.

5. Verizon's responses were due following the deadline for a motion to compel under the procedural schedule.

6. On April 27, 2007, the OCA filed a Motion to Compel Verizon's Responses to certain Group II, Set 1, Data Requests, which also reserved the OCA's rights to compel further responses to data responses which not yet been received. Subsequently, the OCA and Verizon reached agreement on the data requests at issue, and Verizon agreed to provide responses.

7. The OCA received Verizon's responses to Group II, set 1, data requests on May 4, 2007.

8. Thereafter, the OCA identified seventeen responses which were incomplete or nonresponsive: GII 1-9, 1-10, 1-12, 1-13, 1-15, 1-16, 1-18, 1-19, 1-20, 1-22, 1-23, 1-31, 1-34, 1-38, 1-52, 1-57 and 1-58.

9. The OCA engaged in discussions with Verizon pursuant to Puc 203.09(i)(4) in an attempt to resolve the disputes during the week of May 20th.

10. As a result of these discussions, Verizon has agreed to provide additional information related to these data requests.

11. In agreeing to accept, for the time being, Verizon's offer to provide additional responses to these Group II, set 1, data requests, the OCA does not waive its rights to compel

further responses to these data requests or to propound additional data requests concerning the subjects covered by the OCA's Group II, set 1

12. As such, the OCA reserves these rights and hereby notifies the Commission, Verizon, other parties and Staff of this reservation of rights.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was forwarded this day to the parties by electronic mail.

May 25, 2007



Meredith A. Hatfield