

THE STATE OF NEW HAMPSHIRE

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May 18, 2007

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



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

Dear Ms. Howland:

I enclose for filing with the Commission an original and seven copies of the Office of Consumer Advocate's (OCA's) Notice of Reservation of Rights Concerning Verizon's Responses to Group I, Set 1, Data Requests. By electronic mail, the OCA provided a copy of this filing to all parties in this docket.

Please contact me with any questions. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Rorie E.P. Hollenberg".

Rorie E.P. Hollenberg  
Staff Attorney

cc: service list (redacted version)  
proprietary service list (confidential version)

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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  
VERIZON'S RESPONSES TO GROUP I, SET 1, DATA REQUESTS**

The Office of Consumer Advocate (OCA) hereby notifies the N.H. Public Utilities Commission (Commission), Verizon New England, Inc. (Verizon NE), 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 I, set 1, data requests and to propound additional data requests concerning the subjects covered by the OCA's Group I, set

1. In support, the OCA states the following:

1. The procedural schedule in this docket provides for the filing today of second motions to compel responses to disputed Group I data requests.<sup>1</sup>

2. Pursuant to the procedural schedule, the OCA propounded data requests to Verizon on April 6, 2007. These data requests concerned Group I, Transactional and Financial Issues.<sup>2</sup>

3. On April 27, 2007, the OCA received Verizon's responses to all of these data requests except: OCA 1-4, 1-5, 1-6, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-18, 1-22, 1-26, 1-28, 1-54, 1-101, 1-107, 1-109, 1-110, 1-113, 1-114, 1-123, and 1-131.<sup>3</sup>

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<sup>1</sup> See Order 24,733, March 16, 2007, pp. 6-7, and 20.

<sup>2</sup> Staff Report of Technical Session held on February 27, 2007, dated March 5, 2007.

4. On May 1, 2007, the OCA received supplemental responses or errata to OCA 1-24, 1-42, 1-96, and 1-124.

5. On May 15, Verizon provided responses to OCA 1-5, 1-6, 1-16, 1-22, 1-54, 1-60, 1-69, 1-70, 1-71, 1-72, 1-101, 1-107, 1-109 and 1-110.

6. Of the responses received from Verizon on April 27, the OCA has identified 14 that are incomplete, erroneous or not responsive: OCA 1-24, 1-27, 1-57, 1-59, 1-60, 1-65, 1-66, 1-73, 1-88, 1-89, 1-93, 1-97, 1-24 and 1-127.

7. Between May 9<sup>th</sup> and May 17<sup>th</sup>, the OCA, in good faith, provided Verizon written summaries of its concerns about these data requests and engaged in discussions with Verizon in an attempt to avoid the filing of a motion to compel. *See* Puc 203.09(i)(4).

8. As a result of these exchanges, the OCA and Verizon resolved, at least for the time being, the OCA's concerns about these data responses, and the company agreed to provide supplemental responses to most of them.

9. Verizon's responses, however, are due after the deadline for filing this motion to compel.

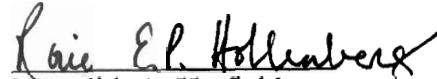
10. In agreeing to accept, for the time being, Verizon's offer to provide further response to its Group I, set 1 data requests, the OCA does not waive its rights to compel further responses to these data requests or to propound additional data requests concerning the subjects covered by the OCA's Group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

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<sup>3</sup> The OCA's Motion to Compel Verizon's Responses to Data Requests dated April 20, 2007, included all of these data requests except 1-28, 1-123, and 1-131 (i.e., the OCA did not seek to compel 1-28, 1-123 and 1-131). The OCA's April 20 motion to compel included 1-135 in error. In lieu of a hearing on the OCA's April 20 motion to compel, the OCA and Verizon reached an agreement on the remaining disputed data requests (i.e., OCA 1-4, 1-5, 1-6, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-18, 1-22, 1-26, 1-28, 1-54, 1-101, 1-107, 1-109, 1-110, 1-113, and 1-114).

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

Respectfully submitted,

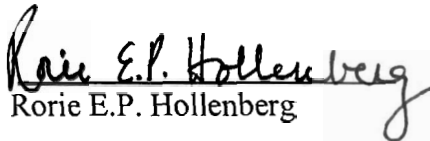


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CERTIFICATE OF SERVICE

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

May 18, 2007



Rorie E.P. Hollenberg