

THE STATE OF NEW HAMPSHIRE

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CONCORD, NEW HAMPSHIRE 03301-2429

May 3, 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 Verizon's Responses to Group III, Set 1 Data Requests. A copy of this filing has been served electronically on all parties in this docket.

Sincerely,

Meredith A. Hatfield  
Consumer Advocate

cc: Service List

NHPUC MAY03'07 PM 2:25



**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 III, 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 Group III, set 1, data requests and to propound additional data requests concerning the subjects covered by these data requests. In support, the OCA states the following:

1. The procedural schedule in this docket provides for the filing today of motions to compel responses to disputed Group III data requests.<sup>1</sup>
2. In addition to ten "General Objections," Verizon specifically objected to OCA III 1-1.<sup>2</sup>
3. Within its written objection, however, Verizon agreed to provide some response to this data request.
4. Verizon's responses, however, are due after the deadline for filing a motion to compel.

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

<sup>2</sup> See Attachment A.

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

6. 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 3, 2006

  
Meredith A. Hatfield

Victor D. Del Vecchio  
Assistant General Counsel

185 Franklin Street, 13<sup>th</sup> Floor  
Boston, MA 02110-1585

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April 27, 2007

**VIA HAND DELIVERY**

Meredith A. Hatfield  
Consumer Advocate  
Office of Consumer Advocate  
21 S. Fruit Street, Suite 18  
Concord, NH 03301-2429

**Re: DT 07-011 – VERIZON NEW ENGLAND INC., BELL ATLANTIC COMMUNICATIONS, INC., NYNEX LONG DISTANCE COMPANY, VERIZON SELECT SERVICES INC. AND FAIRPORINT COMMUNIATIONS, INC. Joint Application for Approvals Related to Verizon's Transfer of Property and Customer Relations to Company to be Merged with and into FairPoint Communications, Inc.**

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Dear Ms. Hatfield:

Enclosed are Verizon New Hampshire's Objections to Office of Consumer Advocate's Third Group of Data Requests.

Please note that to comply with the Commission's procedural order, Verizon is serving the objections now but, in certain instances (where indicated with the phrase "subject to and without waiver of the objection, Verizon responds as follows"), Verizon will nonetheless be providing a response in accordance with the procedural schedule and its objection.

Thank you for your attention to this matter.

Very truly yours,

  
Victor Del Vecchio

cc: DT 07-011 Service List

## PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

In response to each and every data request, Verizon states the following:

1. Verizon has attempted to identify every data request that seeks information and/or documents protected against discovery by the attorney-client privilege or the attorney work-product doctrine or any other applicable privilege. However, given that objections to data requests are due prior to the responses, Verizon has not had the opportunity to review every document that is responsive to each data request. To the extent that any specific data request is intended to elicit such privileged information and/or documents, Verizon objects and asserts the applicable privilege to the fullest extent permitted by law.

2. To the extent that Verizon responds to these data requests, Verizon does not concede the relevancy of the responses or documents to this action, nor does it concede that such responses or documents may be used for any purpose in this or any other action, lawsuit or proceeding. Verizon expressly reserves the right to object to further discovery into the subject matter of any of the responses or any portion thereof.

3. Verizon objects to each data request to the extent that it seeks information and/or documents equally available to the requester or that are not within Verizon's possession, custody or control.

4. Verizon objects to data requests that solicit information and/or documents that Verizon has already made available to the requester in this or other dockets.

5. Verizon objects to the definition of "Verizon" as defined in the requests to the extent it seeks information regarding a Verizon affiliate that is not a party to this

proceeding or regarding operations outside of New Hampshire of those Verizon affiliates that are parties to the proceeding.

6. Verizon reserves the right to object that any data requests, in the aggregate, are overly burdensome and exceed reasonable limits of discovery.

7. Verizon has attempted to respond to each data request based on the instructions and definitions provided. However, Verizon reserves the right to object to such definitions and instructions to the extent that there are differences in them among the requesters.

8. Verizon objects to the extent that the instructions and/or definitions seek to impose burdens on Verizon that are greater than those imposed by applicable portions of N.H. Admin. Rules, Puc 200, impose undue burdens on Verizon, and/or have the effect of making the data requests overbroad. Verizon will make a good faith effort to provide information responsive to the data requests subject to this objection, but it specifically objects to providing, among other things, drafts of documents, identical copies of documents, non-identical copies of documents that contain handwritten notes, and descriptions of responsive documents that once existed but cannot be produced due to loss or destruction.

9. Verizon objects to all data requests to the extent they seek information that is proprietary, competitively sensitive and subject to confidential treatment in accordance with RSA 378:43. Subject to specific instances where Verizon considers information responsive to a particular request to be extraordinarily, highly proprietary and competitively sensitive, Verizon will produce the requested information pursuant to RSA 378:43 and a duly executed protective agreement.

10. Verizon objects to all data requests to the extent they seek historical data for periods before 2003 on the basis that it would be unduly burdensome to produce that information in the circumstances of this case, and the production of such dated material is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding.

Verizon New England Inc.  
d/b/a Verizon

State of New Hampshire

Docket DT 07-011

Respondent:  
Title:

REQUEST: Office of Consumer Advocate, Group III, Set 1

DATED: April 20, 2007

ITEM: OCA Does Verizon have a standard or base rate for the commercially  
G III 1-1 negotiated "Wholesale Advantage" products that Verizon offers to  
CLECs? If so, please provide the base rates for the top twenty rate  
elements (in terms of demand) for business POTS service and for  
residential POTS service. If not, please provide a list of the most  
recently negotiated prices for those elements and provide the date of  
agreement.

REPLY: Objection. The request for information on operations other than in New  
Hampshire is overbroad and calls for information that would be unduly  
burdensome to produce, and seeks information not reasonably calculated  
to lead to the discovery of admissible evidence regarding whether the  
transaction with FairPoint in New Hampshire that is currently before the  
Public Utilities Commission meets the no net harm standard and will be  
for the public good. Subject to and without waiving the objection,  
Verizon responds as follows:

VZ #