

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

3050 K STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20007

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

KATHERINE E. BARKER MARSHALL

DIRECT LINE: (202) 342-8519

EMAIL: kbarker@kelleydrye.com

NEW YORK, NY  
TYSONS CORNER, VA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ  
BRUSSELS, BELGIUM  
AFFILIATE OFFICES  
MUMBAI, INDIA

February 22, 2007

**VIA E-MAIL EXECUTIVE.DIRECTOR@PUC.NH.GOV**  
**VIA UPS**

Debra A. Howland  
Executive Director/Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Re: Petition for Intervention - Covad Communications Company, Docket No.  
DT 07-011

Dear Ms. Howland:

Enclosed please find for filing, one original and seven (7) copies of the Petition to Intervene and Motion for Acceptance of Late-Filed Intervention, on behalf of Covad Communications Company ("Covad"). A Certificate of Service is also included with this filing.

Please date-stamp the duplicate of this filing and return in the self-addressed, postage prepaid envelope. Thank you for your assistance in this matter and please do not hesitate to contact me at (202) 342-8519 if you have any questions or concerns.

Respectfully submitted,



Katherine E. Barker Marshall

Enclosure

cc: Service List

**BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Verizon New England, Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, Verizon Select Services Inc.

and

FairPoint Communications, Inc.

Joint Application for Approval of the Transfer of Certain Assets by Verizon New England, Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company and Verizon Select Services Inc. and Associated Transactions

DOCKET NO. DT 07-011

Filed: February 23, 2007

**PETITION TO INTERVENE**

Intervener Covad Communications Company, pursuant to N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32, hereby petitions the presiding officer for leave to intervene in this proceeding, and states:

1. The name and address of the agency affected by this Petition is the New Hampshire Public Utilities Commission (the "Commission"), 21 South Fruit Street, Suite 10, Concord, N.H. 03301-2429. The Commission Docket Number for this proceeding is DT 07-011.

2. The Intervener is Covad Communications Company.

3. Covad Communications Company ("Covad") is a California corporation that is authorized to conduct business within the State of New Hampshire. Covad is a wholly-owned subsidiary of Covad Communications Group, Inc. ("Covad Group"), a Delaware corporation and a publicly-held company. The principal business office of Covad Group and Covad is 110 Rio Robles, San Jose, CA 95134. Covad is a telecommunications carrier, as defined by 47 U.S.C.

§153(44). Covad operates as a competitive carrier within the State of New Hampshire pursuant to Commission authority granted in Docket No. 98-079, Order 23,035, November 6, 1998.

4. The name, address, and telephone number of the Intervener's representatives are:

Danny E. Adams  
Katherine Barker Marshall  
Kelley Drye & Warren, LLP  
3050 K Street NW, Suite 400  
Washington, DC 20007  
Telephone: (202) 342-8400  
Facsimile: (202) 342-8451  
[kbarker@kelleydrye.com](mailto:kbarker@kelleydrye.com)

Anthony Hansel  
Senior Counsel  
Covad Communications Group, Inc.  
600-14<sup>th</sup> Street, NW  
Suite 750  
Washington, DC 20005  
Telephone: (202) 220-0410  
Facsimile: (202) 220-0401  
[thansel@covad.com](mailto:thansel@covad.com)

Michael Clancy  
Business Partner - Government and External Affairs  
Covad Communications Group, Inc.  
Harborside Financial Center  
Plaza 5, Suite 3120  
Jersey City, NJ 07311  
Telephone: (201) 395-5715  
Facsimile: (630) 604-4659  
[mclancy@covad.com](mailto:mclancy@covad.com)

5. In this case, Verizon New England, Inc. ("Verizon-NE"), Bell Atlantic Communications, Inc. ("Bell Atlantic"), NYNEX Long Distance Company ("NYNEX"), Verizon Select Services Inc. ("Verizon-Select"), and FairPoint Communications, Inc. ("FairPoint") (collectively, the "Petitioners") are seeking a determination that the transactions proposed in their January 31, 2007 filing with the Commission are for the public good under

RSA 374:30 (governing transfer of utility franchises and assets), 374:26 (governing authority to operate as a public utility), and to the extent necessary RSA 374:33 (governing transfers of ten or more percent of ownership of a public utility).

6. The Intervener's substantial interests will be affected by the Commission's action in this Docket. The Intervener operates within the State of New Hampshire as a competitive carrier and therefore is affected by the outcome of this Docket, including, but not limited to, any conditions the Commission may place on these proposed transactions. The proposed transactions impact all of the wireline business of Verizon-NE, Bell Atlantic, NYNEX and Verizon-Select in Maine and Vermont in addition to New Hampshire. The wireline business that is the subject of the proposed transactions encompass switched and special access lines as well as Internet service, enterprise voice CPE (customer premises equipment) accounts, and long-distance voice and private line customer accounts (for customer private lines with beginning and ending points within the three states) that Verizon-NE served in the region before the 2006 merger with MCI, Inc. Covad obtains facilities, including Unbundled Network Elements from Verizon-NE in order to provision its services throughout the State of New Hampshire. The approval of these proposed transactions, as well as any conditions that may attach to such approval, will have a direct impact on Intervener's operations within the State of New Hampshire on a going forward basis.

7. No other current party to this arbitration will adequately represent the Intervener's rights and interests in this matter.

WHEREFORE for the reasons set forth herein, Covad petitions the Commission to allow it to intervene in this proceeding, and to participate as a full party of record in order to protect its interests as a competitive carrier within the State of New Hampshire.

Respectfully Submitted,



Danny E. Adams  
Katherine Barker Marshall  
Kelley Drye & Warren, LLP  
3050 K Street NW, Suite 400  
Washington, DC 20007  
Telephone: (202) 342-8400  
Facsimile: (202) 342-8451  
[kbarker@kelleydrye.com](mailto:kbarker@kelleydrye.com)

Counsel for Intervener

Anthony Hansel  
Senior Counsel  
Covad Communications Group, Inc.  
600-14<sup>th</sup> Street, NW  
Suite 750  
Washington, DC 20005  
Telephone: (202) 220-0410  
Facsimile: (202) 220-0401  
[thansel@covad.com](mailto:thansel@covad.com)

Michael Clancy  
Business Partner - Government and External Affairs  
Covad Communications Group, Inc.  
Harborside Financial Center  
Plaza 5, Suite 3120  
Jersey City, NJ 07311  
Telephone: (201) 395-5715  
Facsimile: (630) 604-4659  
[mclancy@covad.com](mailto:mclancy@covad.com)

## CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing upon known parties to record, by sending via UPS Overnight the same to the parties as listed below

The Office of Consumer Advocate  
21 S. Fruit St, Suite 18  
Concord, N.H. 03301-2429

Meredith Hatfield  
Office of Consumer Advocate  
21 S. Fruit St, Suite 18  
Concord, NH 03301

Stephen Merrill  
Office of Consumer Advocate  
21 S. Fruit St, Suite 18  
Concord, N.H. 03301

Victor Del Vecchio  
Verizon New England  
185 Franklin Street, 13th Floor  
Boston, MA 02110

John Nestor  
Verizon New Hampshire  
900 Elm Street, Suite 1927  
Manchester, NH, 03101

Walter Leach, Jr.  
Fairpoint Communications Inc.  
521 E Morehead Street, Suite 250  
Charlotte, NC 28202

Shirley Linn  
Fairpoint Communications Inc.  
521 E Morehead Street, Suite 250  
Charlotte, NC 28202

Robin Tuttle  
Fairpoint Communications Inc.  
521 E Morehead Street, Suite 250  
Charlotte, NC 28202

Audrey Prior  
Fairpoint Communications Inc.  
155 Gannett Drive  
South Portland, ME 04106

Rojean Tulk  
Fairpoint Communications Inc.  
155 Gannett Drive  
South Portland, ME 04106

Dated at Washington, DC, this 22<sup>nd</sup> day of February, 2007.

By: *Katherine Barker Marshall*  
Katherine Barker Marshall  
Kelley Drye & Warren LLP  
3050 K Street NW, Suite 400  
Washington, DC 20007  
Telephone: (202) 342-8519