

THE STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
Meredith A. Hatfield

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OFFICE OF THE CONSUMER ADVOCATE
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CONCORD, NEW HAMPSHIRE 03301-2429

June 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 Follow Up Data Requests. A copy of this motion has been served electronically on all parties in this docket.

Sincerely,

Meredith A. Hatfield
Consumer Advocate

cc: Service List

NHPUC JUN25 07 PM 3:11



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 GROUP FDR, 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 Follow-Up (Group FDR) data requests and to propound additional data requests concerning the subjects covered by the OCA's Group FDR, set 1. 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 FDR data requests.¹

2. In addition to eight "General Objections," FairPoint specifically objected in whole or in part to the following data requests: OCA FDR I-1, OCA FDR I-4, OCA FDR I-5, OCA FDR I-6, OCA FDR I-8, OCA FDR I-9, OCA FDR I-10, OCA FDR I-11, OCA FDR I-17, OCA FDR I-20, OCA FDR II-5, OCA FDR II-6, OCA FDR II-8, OCA FDR II-11, OCA FDR II-12, OCA FDR II-13, OCA FDR II-14, OCA FDR II-15, OCA FDR II-16, OCA FDR II-22, OCA FDR II-23, OCA FDR II-31, OCA FDR II-35, OCA FDR V-3, OCA FDR V-5, OCA FDR V-9, and OCA FDR V-11.

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

3. Within its written objections, FairPoint agreed to provide some response to all of these data requests except the following: OCA FDR I-9, OCA FDR I-17, OCA FDR 1-20, OCA FDR II-5; and OCA FDR V-3.

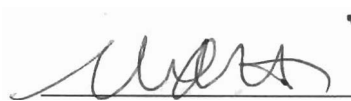
4. FairPoint's responses, however, are due after the deadline for filing a motion to compel.

5. In discussions with the OCA, during the week of June 18th, FairPoint agreed to provide some response, or explore the possibility of providing some response, to the following requests: OCA FDR 1-20, OCA FDR II-5, and OCA FDR V-3.

6. In agreeing to accept, for the time being, FairPoint's offer to provide some response to certain of its disputed Group FDR, 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 FDR, set 1.

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

Respectfully submitted,

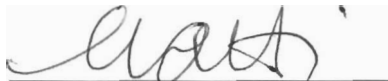


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CERTIFICATE OF SERVICE

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

June 25, 2006

A handwritten signature in black ink, appearing to read 'M. Hatfield', is written over a light gray rectangular background.

Meredith A. Hatfield