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May 2, 2007

Via Hand Delivery

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
Walker Building
21 S. Fruit Street, Suite 10
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 FairPoint
Communications, Inc.**

Dear Ms. Howland:

Enclosed for filing with the Commission are an original and six copies of Verizon New England Inc., et al.'s Objection to Office of Consumer Advocate's Motion to Compel Verizon's Responses to Group II Set I Data Requests. An electronic copy of the filing will be provided to the PUC librarian.

Thank you for your assistance with this matter.

Very truly yours,


Steven V. Camerino

SVC/SBK:ksm
Enclosures

cc: Service List (by electronic mail)
Librarian (by electronic mail)
Meredith Hatfield, Esq., Consumer Advocate (by electronic mail and hand delivery)

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

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

Docket No. DT 07-011

**VERIZON NEW ENGLAND INC. ET AL.'S OBJECTION TO OFFICE OF CONSUMER
ADVOCATE'S MOTION TO COMPEL VERIZON'S RESPONSES TO
GROUP II SET 1 DATA REQUESTS**

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Verizon Select Services Inc. ("Verizon") submit this objection to the Office of Consumer Advocate's ("OCA") Motion to Compel Verizon's Responses to Group II Set 1 Data Requests (the "Motion"). In support hereof, Verizon states as follows:

1. On April 27, 2007, OCA filed its Motion seeking to compel Verizon's response to 8 of the 75 data requests OCA propounded as part of the Group II phase of discovery. In its Motion, OCA goes to great length to restate every potential right it might have to object to Verizon's general objections, and reserves its right to file further motions to compel based on the 67 data requests to which Verizon agreed to respond. Verizon will address those issues if and when they arise.

2. Verizon has been working diligently to respond to the 641 data requests it has received in this docket (277 of which have been propounded by the OCA) during the past 26 days. Nevertheless, in an unfortunate preoccupation with procedural issues in a docket that OCA itself acknowledges as a transaction of "great moment and importance to New Hampshire,"

Motion at 6, OCA continues to complain about the time that Verizon files its objections.

Because OCA's Motion misstates the issue, Verizon must respond.

3. There is no requirement in the Commission rules or otherwise that discovery responses be served by 4:30 p.m. The OCA cites to Puc 103.01(j), which merely establishes the Commission's hours of operation. The only other Commission rule referring to 4:30 p.m. is Puc 203.11(c) which requires that motions for rehearing be served "to ensure that they are received by the parties by 4:30 p.m. on the same day as they are filed with the commission." The Commission was well aware of how to create a 4:30 p.m. deadline when it wanted to, and chose not to do so with discovery filings.

4. Further, OCA's claim that Verizon's Group II objections were emailed at 6:21 p.m. is incorrect. Verizon's Group II objections were emailed at 4:53 p.m. on April 20. *See* Exhibit A. Verizon emailed OCA a *duplicate* set of the objections at 6:21 p.m. on April 20 in Word format (as opposed to PDF format) to accommodate OCA's request for the document in a format that it could manipulate electronically. Thus, there is no basis for OCA's claims regarding potential waiver of Verizon's right to object, and certainly the OCA can demonstrate no prejudice from the 23 minute difference between the time it would have liked Verizon to have sent its objections and the time when they were actually transmitted.

Service Quality Data

5. Regarding the substance of OCA's Motion, it is surprising that OCA has moved to compel responses to OCA 1-18, 1-19, 1-20 and 1-32 because Verizon had agreed to respond to each of these requests. These requests seek various metrics on customer service from 1996 to 2006. Verizon has agreed to provide responsive information, to the extent available, from 2003 to the present. OCA claims that 10 years of information is necessary to "an informed analysis of

Verizon's service quality history and abilities, which when compared with FairPoint's, will speak to whether the public will be better off or worse if the proposed transaction is approved." OCA Motion at 13. However, the OCA has failed to provide any reasonable basis as to why 10 years of data is necessary for that comparison and certainly to do so would be significantly more burdensome on Verizon. What is relevant to this docket is the quality of service that Verizon provides today in comparison to FairPoint's capabilities to serve.

6. Moreover, OCA apparently seeks information that it may already have in its possession. For example, OCA claims that it has identified two documents - a Staff memorandum and a consultant's report from a 2004 Commission docket (DT 04-109) - that are responsive to the data requests in this case. If that is true, OCA is equally capable of reviewing the Commission file on that docket to obtain copies of the two documents it seeks. Or, it could have submitted a data request in this case for those particular documents. Instead, it chose to submit four data requests, each seeking 10 years of data and some asking that the data be broken down into 14 different metrics. Verizon has already agreed to provide the data that OCA seeks, from 2003 to the present to the extent available, which is more than sufficient to make the analysis it claims is necessary. The Commission should deny OCA's effort to obtain a more far reaching response because the request is overly broad, will impose an undue burden on Verizon and is not reasonably calculated to lead to the discovery of admissible evidence regarding whether FairPoint's proposed ownership of the Verizon assets will be for the public good or will result in no net harm.

DSL Information

7. OCA data requests 1-53 and 1-54 seek *any* documents prepared by or on behalf of Verizon corporate and/or Verizon New England since 2001 regarding the deployment of DSL or

stand-alone DSL. Requests 1-64 and 1-66 seek information regarding Verizon's plans for DSL deployment should the transaction with FairPoint not be consummated. Verizon objected to the requests on the basis that they are overbroad and seek information not relevant to this proceeding. Recognizing the overbreadth of requests 1-53 and 1-54, OCA offers a settlement position in its Motion by seeking documents limited to New Hampshire from 2003 to the present regarding DSL deployment.

8. OCA's requests still are not relevant to this proceeding. If what OCA says is true – that the Commission needs the information “to be able to fully understand the current status of DSL deployment in order to assess, in comparison whether FairPoint's plans to expand DSL service is in the public interest” (OCA Motion at 14) – OCA would not need every document in Verizon's possession since 2003 relating to DSL deployment, which is what it seeks. All OCA would need would be an understanding of the current DSL offerings by Verizon in New Hampshire.

9. Verizon has already agreed to provide this information in response to the following OCA Group II data requests: (a) information regarding “Verizon's business plan for 2006 and 2007 concerning service quality, infrastructure and DSL deployment” (OCA 1-22); (b) information regarding the number of customers requesting and receiving DSL in New Hampshire from 2003 to the present (OCA 1-52); (c) information on the lag time in completing DSL service orders (OCA 1-56); (d) the criteria by which Verizon determines when and where to deploy DSL in New Hampshire (OCA 1-59); (e) maps prepared or relied upon by Verizon in its assessment of and planning for DSL deployment (OCA 1-60); and (f) maps depicting wire centers in New Hampshire where DSL is available and those where FiOS is available (OCA 1-63). There is no legitimate reason why OCA needs information regarding DSL deployment dating back to 2001

to pursue issues relevant to whether the FairPoint transaction will result in no net harm and will be for the public good.

10. There is also no relevance to any future plans Verizon may have considered for DSL deployment should the FairPoint transaction not be consummated. What is relevant to the Commission's consideration in this docket is the service currently provided by Verizon, not "what ifs" that might exist should the Merger Agreement not be consummated. If that were the case, the Commission's investigation would be an endless inquiry into every possible permutation of service that Verizon might offer in the future. This would not be a productive use of the Commission's or the parties' time or resources in this docket, and certainly would not result in any information that would be reasonably calculated to lead to the discovery of admissible evidence regarding the proposed transaction with FairPoint.

11. The Commission should deny OCA's Motion to Compel in its entirety for the reasons stated above and because OCA has not met its legal burden of proof.

WHEREFORE, Verizon respectfully requests that the Commission:

- A. Deny OCA's Motion to Compel; and
- B. Grant such other and further relief as the Commission deems necessary and just.

Respectfully submitted,

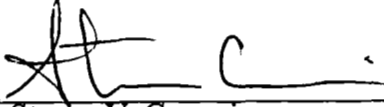
VERIZON NEW ENGLAND INC.
BELL ATLANTIC COMMUNICATIONS, INC.
NYNEX LONG DISTANCE COMPANY
VERIZON SELECT SERVICES INC.

By their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: May 2, 2007

By:

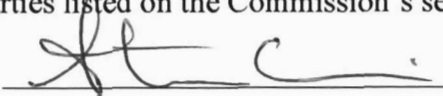


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Certificate of Service

I hereby certify that on May 2, 2007, a copy of this Objection to OCA's Motion to Compel has been forwarded to the parties listed on the Commission's service list in this docket.



Steven V. Camerino

KNOWLTON SARAH

From: ellen.m.cummings@verizon.com
Sent: Friday, April 20, 2007 4:53 PM
To: agree@metrocast.net; alan.s.cort@verizon.com; alexandra.blackmore@us.ngrid.com; alinder@nhla.org; allwacj@nu.com; amanda.noonan@puc.nh.gov; amandl@smithduggan.com; antonuk@libertyconsultinggroup.com; aprior@fairpoint.com; asaunders@shaheengordon.com; brian@destek.net; bstafford@gstnetworks.com; bthayer@bayring.com; cannata@libertyconsultinggroup.com; charlesking@optonline.net; cjohnson@globe.com; cpollart@rubinrudman.com; crand@gstnetworks.com; c_miller@ncia.net; dwinslow@utel.com; eatongm@nu.com; ellen.m.cummings@verizon.com; epler@unitil.com; erle.b.pierce@verizon.com; f.anne.ross@puc.nh.gov; fcoolbroth@devinemillimet.com; gent@otel.us; gkarnedy@ppeclaw.com; gkennan@onecommunications.com; gregg.strumberger@level3.com; hybscrt@psnh.com; hybscrt@psnh.com; jamesg_white@cable.comcast.com; jcilley@aol.com; jclark@nhaficio.org; jeremy@segstel.com; jmonahan@dupontgroup.com; jody.carmody@puc.nh.gov; john.f.nestor.iii@verizon.com; judy.messenger@paetec.com; karen.m.melanson@verizon.com; karen.potkul@xo.com; kath.mullholand@puc.nh.gov; kathnh@comcast.net; kbarker@kelleydrye.com; ken.traum@puc.nh.gov; kforbes@shaheengordon.com; kmiller@dtclawyers.com; lynn.fabrizio@puc.nh.gov; mark@markdelbianco.com; mclancy@covad.com; melanie.gates@leg.state.nh.us; meredith.hatfield@puc.nh.gov; mjohnston@shaheengordon.com; nbrockway@aol.com; njacobson@onecommunications.com; nolinka@nu.com; pfundstein@gcglaw.com; pphillips@ppeclaw.com; rciandella@dtclawyers.com; rmihalic@murthalaw.com; rmunnelly@murthalaw.com; rorie.hollenberg@puc.nh.gov; rpena@boulderattys.com; rtulk@fairpoint.com; rtuttle@fairpoint.com; rusty313@verizon.net; sasawyer@cox.net; sbosley@nc.rr.com; scnelson@gsinet.net; scott.j.rubin@gmail.com; sheila.gorman@verizon.com; slinn@fairpoint.com; smbaldwin@comcast.net; smwoodland@ch.cityofportsmouth.com; steve.merrill@puc.nh.gov; CAMERINO STEVEN; Sdandley@dscicorp.com; Stacey_Parker@cable.comcast.com; thansel@covad.com; vickroy@libertyconsultinggroup.com; victor.delvecchio@verizon.com; whamilton@aarp.org; wleach@fairpoint.com

Subject: 04-20-07 NH 07-011: FairPoint/VZ App. - VZ Objections to OCA

Attached please find Verizon's Objections to the OCA's Second Set of Data Requests in docket 07-011. Thank you.
(See attached file: 04-20-07 NH 07-011 VZ General Objections.pdf)(See attached file: 04-20-07 NH 07-011 VZ Cvr Ltr- OCA re Obj Set 2.pdf)(See attached file: 04-20-07 NH 07-011 VZ Objections OCA Group 2.pdf)

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