



FairPoint Communications, Inc.
State of New Hampshire
Docket No. DT 07-011

Respondent: Brian Lippold
Title: Vice President, Business and
 Wholesale Services

REQUEST: New England Cable and Telecommunications Association, Inc. and
 Comcast Phone of New Hampshire, LLC - Rebuttal

DATED: September 20, 2007

ITEM: NECTA/CPNH - 49R Please refer to page 25, lines 15-20 of Mr. Lippold's rebuttal testimony where Mr. Lippold states FairPoint is committed to "ensuring" a successful cutover, and that FairPoint will "ensure" that the cutover will be a smooth process for wholesale customers. Are such commitments by FairPoint guarantees that the cutover will be a smooth process for wholesale customers? What exposure does FairPoint have to wholesale customers if the cutover is not a smooth process Given FairPoint's commitment, please explain why FairPoint requests relief from the PAP during the transition period and refuses to compensate wholesale customers for direct costs or actual damages arising out of the cutover.

REPLY: **OBJECTION:** FairPoint objects to Data Request 49R on the grounds that it is vague and argumentative and seeks a legal conclusion. Subject to and without waiving these objections, FairPoint will provide information responsive to Data Request 49R. [Objection served September 25, 2007.]

- (a) No.
- (b) None.
- (c) During the transition, order processing may be temporarily impacted. FairPoint does not believe that penalty payments are appropriate for a one-time, short term event where all parties have had an extensive period of time to be aware of the transition and to take actions to help mitigate the potential for delays. Further, FairPoint does not believe it is in anyone's best interest to have the FairPoint organization

distracted by a requirement to produce the PAP during the transition. FairPoint believes that any costs incurred will be minimal and that there will be no damages incurred. Further, there is no reliable manner in which to determine actual costs or damages and FairPoint believes that any attempt to quantify any costs or damages will only result in an extended period of dispute.