



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

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

REQUEST: BayRing, segTEL & OTEL ("CLECs") - Rebuttal

DATED: September 19, 2007

ITEM: CLEC's R-22 Please refer to Mr. Lippold's prefiled rebuttal testimony at page 25, lines 15-16, where he responds to Mr. Ball's recommendation that the Commission must retain jurisdiction over the TSA and cutover to the FairPoint systems to ensure that FairPoint's systems are at least as good as Verizon's as follows: "As Mr. Skrivan notes, the Commission will be able to review FairPoint's activities following the transaction, so there is no need for such a condition."

- a. Please confirm that if FairPoint cuts over from the TSA prematurely, and widespread problems occur, it will not be possible to go back to using Verizon's systems.
- b. Please confirm that under the TSA FairPoint has sole authority to decide when to cut over from Verizon's systems to its systems?
- c. If the answer to b above is yes, and FairPoint actually does make the cutover to its own systems even though CLEC testing had revealed problems, and the CLEC loses revenue as a result of the problems, what right, if any, does the CLEC have to be compensated by FairPoint?
- d. Absent conditions, does FairPoint have any obligation to certify to any of the states that its systems are at least as good as Verizon's prior to cutover?
- e. Does the PAP apply immediately before and after the cutover?

REPLY: **OBJECTION:** FairPoint objects to Data Request 22 on the grounds that it seeks a legal conclusion. Subject to and without waiving this objection, FairPoint will provide information responsive to Data Request 22. [Objection served September 25, 2007.]

- a. Correct. However, FairPoint has no intention of cutting over “prematurely.”
- b. Correct.
- c. None.
- d. No. FairPoint is taking steps to make sure that its systems are at least as good as Verizon’s prior to cutover.
- e. The PAP applies before cutover. FairPoint has stated that it will not be able to meet the PAP for a short period immediately after the cutover, but that it will be able to process all orders manually during that period.