



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 Please refer to page 28, lines 1-9 of your rebuttal testimony:
- 53R

- (a) Please name each competitive transit service provider that operates in New Hampshire.
- (b) Please provide all facts upon which you rely in claiming that the ILEC in New Hampshire does not possess a de facto bottleneck in terms of transit facilities needed to enable the universal connectivity of service providers in New Hampshire.
- (c) How many CLECs, CMRS providers and ILECS operate in New Hampshire?
- (d) Is it your position that every single service provider in New Hampshire should be required to directly and physically interconnect with each other regardless of the amount of traffic that they exchange?
- (e) Are you aware of any FCC rules or orders that compel a CLEC to accept a direct interconnection request from another CLEC?

REPLY: **OBJECTION:** FairPoint objects to Data Request 53R on the grounds that the orders of the Federal Communications Commission speak for themselves. FairPoint further objects to Data Request 53R on the grounds that it is vague, overbroad, unduly burdensome, argumentative and seeks a legal conclusion. FairPoint further objects to Data Request 53R on the grounds that it seeks highly confidential and proprietary commercial and strategic information that would

provide competitors a business advantage. NECTA and CPNH are FairPoint's competitors. The information sought pertains to the provision of competitive services and includes trade secret information that required significant effort and cost to produce and/or confidential, research or commercial information, including customer, geographic, market and product-specific data. Subject to and without waiving these objections, FairPoint will provide information responsive to Data Request 53R. [Objection served September 25, 2007.]

- (a) FairPoint does not have such a list. Each ILEC, CLEC, CMRS provider, IXC and cable company has the opportunity to interconnect their networks to each other thereby bypassing the Verizon transit product and developing their own transit alternative. Based on Mr. Lippold's experience in the wholesale business, Mr. Lippold has found that many companies implement this strategy.
- (b) See the response to (a) above.
- (c) This is publicly available information which can be acquired from the New Hampshire Public Utilities Commission.
- (d) No.
- (e) No.