

New Hampshire Public Utilities Commission, DT 07-011
Re Verizon New England et al.
OCA Responses to Verizon NH's First Set of Data Requests

Respondent: Susan M. Baldwin

Date: August 28, 2007

6. Please refer to pages 74-76 of Susan Baldwin's Direct Testimony. Is it Ms. Baldwin's position that Verizon NH does not have the right to challenge the relevancy of existing service quality measures in Docket 04-019? If so, please provide the specific basis for that position.

Response:

Objection. The request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence regarding whether the transaction with FairPoint in New Hampshire meets the public interest standard. The appropriate docket for consideration of this issue is DT 04-019. The merits of Verizon's service quality problems and the quality of service standards applicable to Verizon NH are not subject to dispute in this docket.

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7. Please refer to pages 74-76 of Susan Baldwin's Direct Testimony. Is it Ms. Baldwin's position that the customer expectations and the state of the telecommunications marketplace in New Hampshire are not relevant to a Commission review of Verizon NH's overall service quality today? If so, please provide the basis for that position.

Response:

Objection. The request is argumentative. Also, the appropriate docket for consideration of this issue is DT 04-019. The merits of Verizon NH's service quality problems and the quality of service standards applicable to Verizon NH are not subject to dispute in this docket.

Subject to and without waiving the objection, Ms. Baldwin states as follows:

It is my understanding that the reasonableness of the service quality standards that the Commission has previously established for Verizon NH (*i.e.*, the aspects of Verizon NH's service quality that are measured and reported to the Commission, and the Commission-established benchmarks for the individual metrics) are not part of the scope of this proceeding. Instead, it is my understanding that, among its assessment of the merits of the proposed transaction, the Commission may consider the impact of the transaction on the quality of service offered for basic local service, and in that assessment, the Commission may consider any commitments that Verizon NH and FairPoint may make to increase the possibility of public benefit ensuing, which could include specific plans to improve service quality and then specific incentives to ensure that service quality is maintained.

All else being equal, it is my opinion that a decline in service quality is evidence of a lack of competition and a need for regulatory oversight, and that all else being equal, a decline in service quality is akin to a rate increase because consumers are receiving less for their money, *i.e.*, less for the nonrecurring and monthly rates that they pay Verizon NH than they did several years ago. Every day that an installation is delayed or a faulty dial tone line is not fixed creates costs for consumers.

In any event, as I explain in the referenced portion of my testimony, it is my understanding that unless and until the Commission modifies the standards, they apply to Verizon NH despite any philosophical differences of opinion, and Verizon NH is bound by such standards. By way of analogy, a driver who considers a red light to be located in an unnecessary location does not have the authority to ignore it simply because of her philosophical disagreement with the placement of the traffic light.

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8. Please refer to pages 74-76 of Susan Baldwin's Direct Testimony. Is it Ms. Baldwin's position that the changes in the Telecommunications Act of 1996 and the Commission's pro-competitive policies implementing the Act are not relevant to a Commission review of Verizon NH's overall service quality today? If so, please provide the basis for that position. If relevant, please identify any Commission Order incorporating these policies into the existing service quality measures and standards and provide a copy of each Order.

Response:

Objection. The request is argumentative. Also, the appropriate docket for consideration of this issue is DT 04-019. The merits of Verizon NH's service quality problems and the quality of service standards applicable to Verizon NH are not subject to dispute in this docket. The request seeks information and/or a review of documents that is equally available to the requester and can be undertaken by the discovering party as readily as by Ms. Baldwin or the OCA, and therefore is unduly burdensome.

Subject to and without waiving the objection, Ms. Baldwin states as follows:
Commission orders are publicly available.

I did not rely upon or refer to a Commission Order as the basis for my statements.

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9. Please refer to pages 74-76 of Susan Baldwin's Direct Testimony. Is it Ms. Baldwin's position that the significant growth in cable and CLEC competition is not relevant to a Commission review of Verizon NH's overall service quality today? If so, please provide the basis for that position. If relevant, please identify any Commission Order incorporating these factors into the existing service quality measures and standards and provide a copy of each Order.

Response:

Objection. The request is argumentative. The appropriate docket for consideration of this issue is DT 04-019. The merits of Verizon NH's service quality problems and the quality of service standards applicable to Verizon NH are not subject to dispute in this docket. The request seeks information and/or a review of documents that is equally available to the requester and can be undertaken by the discovering party as readily as by Ms. Baldwin or the OCA, and therefore is unduly burdensome.

Subject to and without waiving the objection, Ms. Baldwin states as follows: Commission orders are publicly available.

I did not rely upon or refer to a Commission Order as the basis for my statements.

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10. Please refer to pages 74-76 of Susan Baldwin's Direct Testimony. Is it Ms. Baldwin's position that the growth of the Internet, text messaging and VoIP are not relevant to a Commission review of Verizon NH's overall service quality today? If so, please provide the basis for that position. If relevant, please identify any Commission Order incorporating these factors into the existing service quality measures and standards and provide a copy of each Order.

Response:

Objection. The request is argumentative. The appropriate docket for consideration of this issue is DT 04-019. The merits of Verizon NH's service quality problems and the quality of service standards applicable to Verizon NH are not subject to dispute in this docket. The request seeks information and/or a review of documents that is equally available to the requester and can be undertaken by the discovering party as readily as by Ms. Baldwin or the OCA, and therefore is unduly burdensome.

Subject to and without waiving the objection, Ms. Baldwin states as follows:
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11. Please refer to pages 74-76 of Susan Baldwin's Direct Testimony. Is it Ms. Baldwin's position that the growth of wireless services is not relevant to a Commission review of Verizon NH's overall service quality today? If so, please provide the basis for that position. If relevant, please identify any Commission Order incorporating this factor into the existing service quality measures and standards and provide a copy of each Order.

Response:

Objection. The request is argumentative. The appropriate docket for consideration of this issue is DT 04-019. The merits of Verizon NH's service quality problems and the quality of service standards applicable to Verizon NH are not subject to dispute in this docket. The request seeks information and/or a review of documents that is equally available to the requester and can be undertaken by the discovering party as readily as by Ms. Baldwin or the OCA, and therefore is unduly burdensome.

Subject to and without waiving the objection, Ms. Baldwin states as follows:
Commission orders are publicly available.

I did not rely upon or refer to a Commission Order as the basis for my statements.