

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 and Otel – CLECs
Follow-Up Data Requests Group III, Set 1
DATED: June 11, 2007

ITEM: CLEC FDR III-4
If the answer to 3-3 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 rights does the CLEC have to be compensated by Fairpoint? If the answer is none, is that fair?

REPLY: **OBJECTION:** FairPoint objects to FDR III-4 on the grounds that it seeks a legal conclusion. FairPoint also objects to FDR III-4 on the grounds that it is vague, argumentative, and that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, FairPoint will provide information responsive to FDR III-4. [Objection served June 18, 2007.]

FairPoint intends that its OSSs will be at least as effective as those being replaced. Further, FairPoint will use industry standard systems and interfaces, provide ample notice, provide training, and provide a certification process. However, FairPoint will not compensate CLECs for lost revenue associated with the cutover.