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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

May 8, 2007 - 7:00 p.m.
Plymouth State University
Plymouth, New Hampshire

RE: DT 07-011
VERIZON NEW ENGLAND, ET AL:
Transfer of Assets to FairPoint
Communications, Inc.
(Public statement hearing)

PRESENT: Chairman Thomas B. Getz, Presiding
Commissioner Graham J. Morrison
Commissioner Clifton C. Below

APPEARANCES: (No appearances taken)

Court Reporter: Steven E. Patnaude, CCR

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I N D E X

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Presentation by Mr. Nestor (Verizon)

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Presentation by Ms. Prior (FairPoint)

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PUBLIC STATEMENTS BY:

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Sen. Reynolds

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Mr. Swenson

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Mr. Wilson

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Mr. MacKenzie

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Dr. Kenny

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Mr. Fritz

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Mr. Millican

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Mr. Cormier

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Mr. Foley

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Mr. Duhamel

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Mr. Lang

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Ms. Heard

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Mr. Roche

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1 P R O C E E D I N G S

2 CHAIRMAN GETZ: Okay. Good evening,
3 everyone. We're going to open the public statement
4 hearing in docket DT 07-011. On January 31, 2007, Verizon
5 New England and FairPoint Communications filed with the
6 New Hampshire Public Utilities Commission a joint petition
7 seeking approval of a series of transactions that, if
8 consummated, would result in FairPoint acquiring the
9 current Verizon New England franchise to provide wireline
10 telecommunications services in New Hampshire and owning
11 the network Verizon New England currently uses to provide
12 those services.

13 My name is Tom Getz. I'm the Chairman
14 of the Public Utilities Commission. And, with me at the
15 front table is Commissioner Graham Morrison and
16 Commissioner Cliff Below. Also here tonight is our
17 Director of Telecommunications, Kate Bailey, and the
18 Director of our Consumer Affairs Division, Amanda Noonan.
19 They may have already started this, but they will be
20 handing out, if you would like to speak tonight, there are
21 sign-up sheets available. You can indicate that you would
22 like to speak and we will take the comments in the order
23 that we receive them, or you can make a written comment
24 that will become part of our file. If you've spoken at a

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1 previous public statement hearing, then we will, depending
2 on the time and depending on how many people choose to
3 speak, we're going to put those ones that we recognize as
4 having spoken before at the back of the pile of sign-up
5 sheets that are handed in.

6 I want to give some background about the
7 Commission and the process that we're going to be
8 employing. The term "Public Utilities Commission" refers
9 both to the 65 employees that work for the agency and the
10 three commissioners that make the decisions in the cases
11 that come before the agency. The three of us will be
12 acting in the same manner as judges in this case, and we
13 are subject to the same kinds of rules as judges. Most
14 important, we are subject to what are called "ex parte
15 rules". This means that we cannot talk about the merits
16 of an ongoing case with anyone outside the Commission,
17 except when there is notice and an opportunity for all
18 parties to participate. And, tonight is an example of one
19 of those settings where there's been notice and an
20 opportunity for anyone to be present that we can speak to
21 or hear about the issues.

22 As for the process used in this case, it
23 is a formal judicial style proceeding that includes
24 written and oral testimony, discovery, cross-examination,

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1 briefs, and a written decision that is subject to
2 rehearing and ultimately to appeal to the New Hampshire
3 Supreme Court. It's a process similar to what occurs in a
4 typical civil trial.

5 At this point in the case, the
6 Applicants have filed their petition asking us to approve
7 the transfer of Verizon's assets to FairPoint. We have
8 held a procedural hearing, called a "prehearing
9 conference", issued a procedural order granting
10 intervention of more than twenty parties, and approved a
11 schedule that culminates in multiple days of hearings in
12 the last half of September. As required by the procedural
13 schedule, Verizon and FairPoint have filed written
14 testimony, and the other parties are conducting discovery,
15 which means, at this point, they are asking the Companies
16 hundreds of questions that will help the parties in
17 writing their responsive testimony.

18 And, I want to emphasize one other very
19 important point about the process and about our roles.
20 And, it is this: We have formed no opinion on whether the
21 petition should be approved or denied, nor should we. Our
22 job is to hear all the evidence and then make a decision
23 based on that evidence.

24 I'd like to turn now to try and explain

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1 a little bit of the purpose of tonight's public statement
2 hearing. We're trying to accomplish a couple of things.
3 First, the Companies will be given time to briefly explain
4 their proposal. We expect that there are many questions
5 about the proposal, and we are hopeful that their
6 presentation will answer some of those questions.
7 However, tonight is not the occasion to cross-examine the
8 Companies about their proposal, but they are prepared to
9 stay around after the close of the public statement
10 hearing to try to answer individually questions you may
11 have.

12 Second, this is an opportunity for you
13 to tell us whether you support or oppose the transfer,
14 express your concerns about the proposal, or recommend
15 areas that you think we should examine. While the
16 statements made tonight do not constitute the kind of
17 evidence on which we can ultimately base a decision, these
18 comments prove helpful in identifying areas that our Staff
19 can investigate during discovery and that we can pursue
20 through our own questions at hearing.

21 We have a stenographer who will be
22 record the comments tonight, so please speak clearly.
23 And, it looks like we're also being filmed. So, I'm going
24 to turn at this point to, is it Mr. Nestor, who will be

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1 going first on behalf of Verizon. We only have one
2 microphone. So, I'm going to hand it over to Mr. Nestor.
3 And, then, when you have an opportunity to speak, please
4 come down to the podium. Mr. Nestor.

5 MR. NESTOR: Thank you, Mr. Chairman,
6 Commissioners. My name is Shawn Nestor. I'm the Vice
7 President for Government and Regulatory Affairs, with
8 overall responsibility for regulatory matters here in New
9 Hampshire. And, with me tonight is Earl Pierce, who is
10 the Vice President, has overall responsibility for media
11 relations, if there's any members of the press here
12 tonight. Verizon appreciates the opportunity to speak for
13 just a moment, but, as you pointed out, more importantly
14 to listen. This is the opportunity for the public to
15 participate in the regulatory process and to offer their
16 comments to the Commission. So, I will be very brief in
17 my presentation.

18 On January 31st, 2007, Verizon and
19 FairPoint filed a joint application with the New Hampshire
20 Commission to transfer the telephone operations of Verizon
21 New Hampshire to FairPoint. Similar petitions were also
22 filed at the same time in Maine and Vermont. The service
23 -- The residential and business services to be transferred
24 include local exchange service, in-state toll service,

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1 enhanced voice and data services, as well as wholesale
2 services that are provided to other carriers. Verizon
3 wireless services are not part of this transaction.

4 This transaction, we believe, provides a
5 fair value for the transfer of the assets, and also
6 represents, we believe, a good deal for the State of New
7 Hampshire and its citizens, as FairPoint has committed to
8 accelerate the deployment of broadband services in this
9 state, as well as to bring new jobs to the state. We also
10 believe it is fair and equitable to the employees who will
11 remain with FairPoint after the transaction, as they agree
12 to honor all outstanding labor agreements. In summary, we
13 believe that, after all the evidence is heard in this
14 case, we believe the Commission will find that the
15 transaction is in the best interest of Verizon's
16 employees, its customers, and the state itself.

17 In closing, just one word. We recognize
18 that change can be very disruptive and unsettling for
19 individuals. We understand that. At the same time, it
20 also presents new opportunities. The telecommunications
21 marketplace in New Hampshire and throughout the United
22 States has undergone great technological and competitive
23 changes over the last decade. We expect that will
24 continue for decades to come. And, as a result of that,

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1 we believe this transaction represents a new opportunity
2 for New Hampshire and will be found in the public
3 interest.

4 I thank you for the time. And, I have
5 the representative from FairPoint?

6 CHAIRMAN GETZ: Please.

7 MS. PRIOR: I'll start by thanking the
8 Public Utilities Commission for the opportunity to be here
9 tonight. And, I want to thank the public, too, for their
10 interest in this transaction. Good evening, everyone.

11 I'm Audrey Prior. I am the Director of State Regulatory &
12 Legislative Affairs for FairPoint Communications. I want
13 to give you a brief overview tonight of the joint petition
14 that's being considered here, and just talk a little bit
15 about FairPoint and our company.

16 FairPoint is an established provider of
17 telecommunications services already, predominantly we
18 focus on rural and small urban markets. We were founded
19 in 1991, and we made our first acquisition in 1993. We
20 operate in 31 different companies -- We operate 31
21 different companies in 18 states across the country. And,
22 our special area of expertise is in markets just like
23 those here in New Hampshire and in northern New England.

24 I want to talk about three commitments

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1 that the Company is making on behalf of this transaction
2 tonight. Commitments that we're making to the customers,
3 commitments that we're making to the employees, and
4 commitments that we're making to the communities.

5 And, I want to start with the customers
6 first. As a result of the merger, nothing will change, in
7 terms of cost, contracts, rates, etcetera, to the
8 customers that are in place today, to the Verizon
9 customers there today. Basically, everything that's being
10 provided today by Verizon would be provided at the same
11 cost after the merger and after the consolidation. The
12 important difference is that FairPoint is committing to
13 substantially increase broadband accessibility to the
14 Verizon customer base. And, as an example of that, in the
15 three northern New England states, in Maine, New
16 Hampshire, and Vermont, today FairPoint provides
17 93 percent of our customers with a high-speed data
18 product. And, at the same three states for Verizon --
19 this same three states for Verizon, Maine, New Hampshire,
20 and Vermont, they provide 62 percent of their customer
21 base with a high-speed data product. So, we feel there's
22 a great opportunity here for us to immediately increase
23 accessibility of high-speed data to Verizon customers who
24 otherwise -- otherwise would not get this without this

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1 merger.

2 Let me talk a little bit about our
3 commitments to the employees. We know that 3,000
4 employees will come with the merger. We are committed to
5 maintaining all the jobs. No job cuts will occur as a
6 result of this merger. From the Unions' perspective, we
7 are committed to honoring the existing Collective
8 Bargaining Agreement. No head count reductions, no
9 changes in compensation, and no changes in benefit
10 packages or benefits themselves will occur. And, most
11 importantly, when these employees transfer over, those
12 with built up benefit packages, in terms of their pension
13 plan, will have -- come over fully funded from Verizon.
14 So, there won't be any impact on those employees who move
15 over to FairPoint at the end of -- through this
16 transaction.

17 And, lastly, let me just talk about our
18 commitment to the communities that we serve. Six hundred
19 new jobs will be created as a result of this merger. That
20 basically represents functions that today Verizon does in
21 other states other than Maine, New Hampshire, and Vermont,
22 in their back office centers located in other areas that
23 will be coming into these three states. We will move all
24 the back office infrastructure services into the three

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1 northern New England states, creating 600 new jobs over
2 and above the 3,000 positions that come with the merger.
3 We have committed to spread those across all three states
4 as much as we possibly can, and, clearly, New Hampshire
5 will benefit from some portion of those 600 new jobs as a
6 result of this transaction. We'll be bringing those back
7 office support systems to the three states, and we think
8 this will result in a quicker and better communication
9 process for the customers. So, we think customers will be
10 better served by that.

11 And, in summary, at the end -- at the
12 end, and as a result of the merger, FairPoint will be
13 eighth largest telephone company in the country. We will
14 have approximately \$1.5 billion in annual revenues. We'll
15 be very conservatively capitalized. These three states,
16 here in Maine, New Hampshire, and Vermont, will represent
17 the most important market for FairPoint. They will get
18 our largest degree of attention, and, effectively, we will
19 look and feel like a New England company. And, we believe
20 that our commitment to the communities, the employees, and
21 the customers will be well-served by this merger.

22 And, I thank you very much for your time
23 this evening.

24 CHAIRMAN GETZ: Thank you. I just want

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1 to say, before we turn to the speakers, if you have a
2 sheet to hand in, Ms. Bailey is down here, Ms. Noonan is
3 in the back of the room, or Kathy Akerman, from our
4 Consumer Affairs staff. Sir?

5 FROM THE FLOOR: Yes. I got something
6 to say.

7 CHAIRMAN GETZ: Okay. Well, what we're
8 going to do --

9 FROM THE FLOOR: We've got this
10 broadband and we got --

11 CHAIRMAN GETZ: Sir, excuse me. The
12 process is going to be, if you want to speak, get a sheet,
13 sign up, and we're going to go person by person can down
14 and make their comments in front of the room. So, the
15 first speaker I have with a sign-up sheet is Senator
16 Reynolds.

17 SEN. REYNOLDS: Thank you. And, thank
18 you for your time, and we, in the greater Plymouth area
19 and District 2, appreciate your being here tonight. As
20 you know, I am the State Senator for Senate District 2.
21 My name is Deb Reynolds, and I happen to live in this
22 beautiful Town of Plymouth. And, I appreciate Plymouth
23 State University making this facility available for this
24 hearing.

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1 Senate District 2 consists of 31 towns,
2 27 of which are in Grafton County, and four which are in
3 Belknap County. My district covers a lot of small towns
4 that right now do not have adequate broadband, high-speed
5 Internet service. When I was campaigning for this office,
6 I campaigned with a pledge to expand the availability of
7 high-speed Internet service for the citizens of my
8 district, so that we can do long-distance learning, so
9 that we can promote economic development, and so that we
10 can keep our young people from leaving the State of New
11 Hampshire for jobs in other parts of the country.

12 I have a lot of concerns and would ask
13 the Commission to seriously consider whether or not this
14 proposed merger is in the public interest. If the merger
15 is approved, as I understand it, it will mean that my
16 constituents, as well as many other rural customers in New
17 Hampshire, will not have leading-edge technology in the
18 broadband interface. In my view, and based upon
19 conversations with my constituents, the status of the
20 lines in this part of the state are simply not in an
21 adequate maintained state to render DSL as a realistic
22 available source for broadband expansion. I think, in
23 essence, what this merger would mean would be that rural
24 customers in District 2 will lag further behind in the

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1 deployment of broadband and other telecommunications
2 products.

3 Verizon is a major and the second
4 largest telecommunications company in the United States.
5 It's currently promoting a national effort for fiber optic
6 cable services to the premises, FTTP. It is deploying
7 this throughout the United States, with the exception of
8 Maine, New Hampshire, and Vermont. And, I ask the
9 question "Why?" "Why is New Hampshire being left behind?"

10 I would argue that the FiOS product that
11 Verizon is deploying is capable of very high speeds, it's
12 a 21st Century product, and it has installed it in 28 New
13 Hampshire communities. Right now, it stopped doing that.
14 FairPoint has no similar product, and it's very doubtful
15 that it will have the financial wherewithal to develop a
16 similar technology. The future of telecommunications is
17 high-speed Internet service that will deliver rapid
18 downloading of information, entertainment, and research.
19 New Hampshire citizens will not have the benefit of this
20 technology for small businesses, long-distance learning,
21 or home quality of life.

22 I'm also concerned about the financial
23 risk posed by this merger. FairPoint will incur
24 substantial debt as a result of the acquisition, something

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1 of the nature of \$1.7 billion in new debt. The recent
2 floods and storm damage in my district have shown the need
3 for a well-funded national company to be able to marshal
4 resources and solve serious service outages throughout the
5 state. Finally, the proposed merger may have an adverse
6 effect on the labor force and discourage qualified
7 technical employees remaining in New Hampshire.

8 In sum, I do not believe that the
9 proposed merger is in the best public interest of the
10 citizens of my district or New Hampshire as a whole.
11 Please take all of these matters into consideration during
12 the regulatory process. Thank you.

13 CHAIRMAN GETZ: Thank you. Lance
14 Swenson, and Mark Wilson will follow Mr. Swenson.

15 MR. SWENSON: Good evening. I have a
16 little bit of a cold. The way I see it, this FairPoint
17 deal is going to be a disaster. They are assuming a lot
18 of debt, as Deb Reynolds just mentioned, \$1.7 billion, and
19 they're taking over an aged network of POTS lines. This
20 is essentially maxing out your credit cards and working
21 for minimum wage. The numbers just don't add up. Are
22 they going to make revenue off of DSL, which is just like
23 a glorified form of dial-up Internet? The only way they
24 will be able to recoup their costs is to increase the

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1 price of DSL, because DSL is not regulated, as far as I
2 understand. They will end up charging whatever they can
3 in order to recoup their costs.

4 And, what is DSL in the age of the
5 Information Superhighway? Not much as far as I'm
6 concerned. DSL has so many limitations, in terms of
7 bandwidth and where it can be accessed. The digital
8 divide will look, you know, huge to the New Hampshire
9 residents. As the rest of the world is going forward,
10 we're going to be stuck in the mud. We're going to be in
11 the gutter of the world economy.

12 People in New Hampshire, you know, I
13 mean it's absolutely amazing, even in the United States,
14 we're falling behind in Internet access and broadband
15 technologies, as we've slipped to, in a recent survey, to
16 12th in the world. There's countries like Iceland and
17 Korea that rank higher. Even in Somalia, which is a third
18 world country, has better access to broadband. And, right
19 now, we got to know whether or not we're going to go
20 further into this abyss of not coming back or are we going
21 to have Verizon live up to its commitments to deploy fiber
22 optic networks in these three states?

23 As I said, FairPoint is a bad deal on
24 all fronts and from all angles. I think, in any common

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1 sense, we can see only benefits -- that this only benefits
2 stockholders and enhanced bonuses to FairPoint and Verizon
3 top executives.

4 There's been talk of competition cable
5 with IPTV. The research I've done with IPTV on the
6 Internet, looking at what that offers, AT&T, which has
7 been trying to roll out their version of IPTV, which is
8 "U-verse", has not worked. There's been lag times between
9 changing channels and it doesn't offer HDTV most of the
10 time. So, the cable companies probably like this deal,
11 because there's not going to be much competition from
12 FairPoint, in terms of video.

13 I don't know. That's all I got really
14 to say. Basically, I oppose this transaction.

15 CHAIRMAN GETZ: Thank you. Mr. Wilson,
16 and after Mr. Wilson is Mark MacKenzie.

17 MR. WILSON: My name is Mark Wilson. I
18 want to thank the Committee for letting me speak tonight.
19 I think it is important to have these types of
20 discussions. I watched the Sunday morning news shows, and
21 WMUR has a business news show on Sunday mornings. About
22 two years, Earl, Earl Pierce, from Verizon, said "Verizon
23 was going to invest in the new technology in New Hampshire
24 called "FiOS", which would bring fiber optics to the

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1 house, and, in turn, bring high-speed Internet phone and,
2 in the future, bring TV. It would start in selected
3 communities, but would expand to other parts of New
4 Hampshire as things progressed."

5 I took this as a commitment from Verizon
6 to New Hampshire and myself. Well, I still watch the
7 Sunday morning news shows. About three weeks ago,
8 Mr. Leach, from FairPoint, was on the news, on the news
9 show, telling people of New Hampshire that his company
10 "was going to buy Verizon in the three northern states."
11 He was "going to bring high-speed Internet phone, TV,
12 through a system called "DSL", which was the future." I
13 have DSL working in my home for about five years. I find
14 it works. It is better than dial-up. But this is not the
15 future. I know for a fact that this -- I know for a fact
16 that at this time it isn't -- it is technologically
17 impossible to run TV over DSL. I'm going to college for
18 telecommunications now. I hear about the latest
19 technology, and it is not DSL. In fact, in the central
20 part of the state, there are some towns that have realized
21 what fiber to the home can bring. They know that DSL is
22 not the answer. Towns like New London, Enfield, Hanover,
23 just to name a few, are getting together to see if they
24 can run their own FiOS-type technology. They know that

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1 this will bring growth to their towns. If it means this
2 much to these towns, what should it mean to the rest of
3 the state?

4 The southern part of the state has
5 gotten a taste of what could be. Are you going to let
6 Verizon give our jobs, our growth, our future to the state
7 of -- to the states to the south, or are we going to tell
8 Verizon that it's time to pay the piper and live up to
9 what we, the State of New Hampshire, have been promised, a
10 communications for the future? Or, give it to FairPoint,
11 a rural phone company, that is going to give us what we
12 have had in the past.

13 I went to the PUC meeting in Merrimack,
14 and there was a man who said he was from the Chamber of
15 Commerce in Nashua. He stated that he represented 709
16 businesses. He also said that "FairPoint has to make this
17 work, because they have so much to lose." Does anyone
18 remember that FairPoint was already here in the state and
19 left? What if they can't make it work? What if the
20 people don't buy their old, outdated plans? Where is the
21 State of New Hampshire then?

22 I will give you a thought to think
23 about. Two years from now, FairPoint has given us exactly
24 what they said, DSL to the North Country. The jobs have

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1 stayed in the south, the southern part of the state, but
2 are falling behind the times because of the old
3 technology. The businesses will come to the PUC and say
4 "what are you going to do for us now that Verizon has
5 left?"

6 I will give you another thought. Two
7 years from now, there is a natural disaster and FairPoint
8 does not have the resources to fix the problem. What
9 recourse do we have then? I see what drives the deal for
10 Verizon and FairPoint. Verizon gets bags of cash
11 tax-free; FairPoint tries to make itself a real player in
12 a communications company. With this old technology, I
13 just don't see how this is a good deal for New Hampshire.
14 I hope that you would consider my opinions when voting on
15 this deal. I am strongly opposed to the sale of Verizon
16 to the FairPoint Communications. Thank you for your time.

17 CHAIRMAN GETZ: Mr. MacKenzie, and
18 Dr. Neil Kenny is next.

19 DR. KENNY: After this gentleman?

20 CHAIRMAN GETZ: Yes.

21 MR. MacKENZIE: Actually, if you don't
22 mind, I won't use the mike. I generally don't need a mike
23 to speak, so I'll just speak up loud, and hopefully those
24 among us can hear me pretty well. Mr. Chairman, first of

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1 all, let me identify myself. My name is Mark MacKenzie,
2 and I am the President of the New Hampshire AFL-CIO in the
3 State of New Hampshire. And, I represent the workers who
4 are members of IBEW and also CWA. And, I also represent
5 thousands of other workers from throughout the State of
6 New Hampshire.

7 Mr. Chairman I'm here to oppose this
8 sale, and let me tell you some reasons for that. First of
9 all, we are always concerned, I think in New Hampshire,
10 about the question of infrastructure. We are concerned
11 about whether or not, from an economic growth perspective,
12 whether or not we have sufficient roads, whether the roads
13 are good enough for people, whether the airport is
14 sufficient to drive and to help increase our economic
15 security in the state and to boost our economy in the
16 State of New Hampshire. We are concerned about the
17 quality of our workforce. We are concerned about all of
18 these issues that are involved with a good workforce.
19 And, certainly, as part of that discussion, I think we
20 have to be concerned about the access that people have to
21 the finest technology available for this workforce that we
22 have within the State of New Hampshire. And, I think that
23 this gives us an opportunity to have a discussion around
24 "what is the best product that we can have for the people

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1 of the State of New Hampshire?"

2 Let me just refer, if I could, Mr.
3 Chairman, to the recent ad that was placed in the Boston
4 Globe, and this was placed Monday, May 7th. And, this is
5 -- this is what the rest of the world is being offered.
6 This is certainly what the Massachusetts people are being
7 offered, and some of the them to communities in the
8 southern part of the State of New Hampshire. And, what it
9 says in their ad is "top-rated Internet services". Well,
10 what's being proposed by the FairPoint Communications is
11 not "top-rated Internet services". This is what -- This
12 is what Verizon is capable of doing, and this is not what
13 FairPoint is capable of doing.

14 So, clearly, they have made a decision
15 in the State of New Hampshire that they don't want to
16 expand this kind of service, this -- what they refer to as
17 "top-rated Internet service" within our state. And, I
18 think that they're a political -- there are considerations
19 that need to be given to that, in terms of what that means
20 to the people of our state.

21 I know that recently there was a study
22 that was done from the Carsey Institute out of the
23 University of New Hampshire. And, what that report
24 basically said is we have an economy of people who are

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1 high-tech workers and people who rely on high-speed
2 Internet and people who rely on those kinds of technology,
3 and then we have the other end of the spectrum, the poorer
4 people in the state, who are basically being,
5 unfortunately, being put at the other end of the spectrum.
6 And, what we don't have is a good middle class group of
7 people. And, so, we need to develop, as part of our
8 economy, good middle class jobs. And, what I'm saying is,
9 that if you don't have the technology, and the best
10 services available, and the best resources available, then
11 our ability to develop those good, basic working class
12 jobs, those middle class jobs, it's going to be -- I think
13 we're going to have a difficult time doing that.

14 And, so, when you think about this
15 thing, I hope that we think about it not only in terms of
16 whether or not this makes sense for FairPoint or whether
17 or not this makes sense for Verizon, but whether or not,
18 overall, for the State of New Hampshire, you know, this
19 makes sense for us.

20 Finally, Mr. Chairman, I have always
21 asked this question, and I have done workforce issues for
22 better than 30 years. I've served on a number of
23 different boards in the State of New Hampshire, from the
24 Workforce Training Board, to the Vocational/Technical

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1 School Board, I've worked on a whole bunch. I have done
2 these issues for a long period of time. And, I can tell
3 you the question that we always ask, I always ask in those
4 meetings is "What do we want to be when we grow up?" And,
5 if what we want to be when we grow up in the State of New
6 Hampshire is a state that is vital, that has the best
7 technology available, that has the best workforce
8 available, then what this represents, this decision point
9 represents, is a point in time where you need to make a
10 decision about "what we want to be when we grow up?" And,
11 if we want to be the best we can be, we want to be a state
12 that has the high technology and the best kind of
13 technology available, then, Mr. Chairman, I think the
14 decision is clear for this group.

15 And, finally, let me say, Mr. Chairman,
16 that I didn't know who FairPoint was a couple of months
17 ago. I had never heard of them before. I do know who
18 Verizon is. And, I do know many of the people in this,
19 that have been part of Verizon and building Verizon over
20 the years. And, I know that the workforce that we have
21 for Verizon, I know many of these people, and I can tell
22 you that they have built the best network that they can
23 build in the State of New Hampshire, and are prepared to
24 build even a better network, given the resources and the

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1 kind of investment that we need within the State of New
2 Hampshire. You have a terrific workforce here, who has
3 the capacity to make this state terrific and to deliver
4 the kinds of services that I think the business community,
5 the people of the State of New Hampshire, and others want
6 within the state. We have that capacity to do that.

7 It's up to you to make a decision about
8 whether or not you think this makes sense. I think that
9 going in this direction is not in the best interest of the
10 state. And, I think, really, what we want is what Verizon
11 can offer, which is top-rated Internet service, have clear
12 definition, they refer to this that "Have you got a
13 52-inch plasma TV? Do you have dual processing laptops?
14 And, if you do, are you still hooked up to cable?" And,
15 if you still are, according to Verizon, "you're behind the
16 times."

17 We don't want to be behind the times,
18 Mr. Chairman. Thank you.

19 CHAIRMAN GETZ: Dr. Kenny, and Edward
20 Fritz will follow.

21 DR. KENNY: Oh, they'll hear me in the
22 back. Can everyone in the back hear me? Mr. Chairman, I
23 thank you for the opportunity of speaking. I moved to New
24 Hampshire in 1995. And, when I arrived, I was told "Don't

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1 worry, things will be happening. They will pick up.
2 You'll get your broadband. You'll get your high-speed."
3 Well, I live in Grafton, New Hampshire. Don't let the
4 clothes fool you. I run an international, multinational
5 corporation. And, I have to send out 30 and 35 meg docs,
6 at night, overnight, because all I have is dial-up. I've
7 seen what Verizon has done in other parts of the country,
8 particularly those with larger populations.

9 I don't want to particularly cast
10 aspersions on Verizon or on FairPoint. But, you know, the
11 three northern states, we're not all potato farmers, dairy
12 farmers, and leftover hippies.

13 (Laughter.)

14 DR. KENNY: Okay? You know, we may have
15 come in on the turnip truck, but it wasn't yesterday's
16 turnip truck.

17 Verizon and FairPoint, it's very simple,
18 you don't have to be a rocket scientist to figure it out,
19 they're dumping out a small market, that possibly is
20 losing them money, to a company that is ill-equipped,
21 ill-financed to provide what Verizon said they were going
22 to provide two years ago. It's all a cash deal of Verizon
23 getting real rich and FairPoint probably going Chapter 13,
24 or 11, I'm sorry, and getting a government bailout.

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1 Maybe. If not, I'm concerned we're going to pick up our
2 phones and not have a dial tone, not even have dial-up.

3 If I were the PUC, which I am not, I can
4 only speak to you, I would take their feet and hold them
5 to the fire until they burn. They made a promise, they
6 made a commitment. We were told it would happen. We're
7 now being left out in the cold. I don't like it. It's
8 costing me money. Thank you.

9 (Applause.)

10 CHAIRMAN GETZ: Mr. Fritz, and John
11 Millican will be next. Well, actually, Mr. Fritz first.

12 MR. FRITZ: Well, basically, I've had
13 phone service for about 35 years. As a child, we had a
14 two-party line. We've seen changes in this over the
15 years, from dial-up to touch tone, all the calling
16 features that we've had. I now have DSL, basic. I see
17 commercials now. Based on those commercials, they're
18 talking "FiOS". I'm not a second-class citizen. I don't
19 think anybody here is a second-class citizen. Deb pointed
20 it out. Why is New Hampshire, Vermont, and Maine being
21 left out of it? That's baloney. It's about time we stick
22 with it and make them do exactly that. We need the FiOS
23 and we need it throughout the state. That's what I
24 expect. That's what I want to see. That's all I got.

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1 Thank you.

2 CHAIRMAN GETZ: Thank you.

3 MR. MILLICAN: Hello. I'm John
4 Millican. I run a small business out of Wentworth, New
5 Hampshire. Ten years ago, I believe it was, I was working
6 for a company in Laconia. And, I called up Verizon and I
7 said "Hey, these ads you keep sending me about DSL, I'd
8 really like to get DSL in Wentworth, New Hampshire."
9 "Well, we can't provide it there right at the moment, but
10 it will be statewide within the year." That was nearly
11 ten years ago. I still don't have anything but dial-up.
12 The infrastructure in Wentworth, I don't have physical
13 hands-on with it, but I know, when the weather changes, my
14 phone line changes. I get hum, I get all kinds of stuff,
15 which seems like poor ground, wet wires. I'm sure there
16 are people in here that know a lot more about it than I
17 do, but I'd almost swear some of the cable is still
18 paper-wrapped.

19 DR. KENNY: It is.

20 MR. MILLICAN: I believe it, especially
21 in Groton.

22 DR. KENNY: Over in Jackson, too.

23 MR. MILLICAN: Right. I live 12 miles
24 from the CO in Warren, give or take a few. There are few

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1 SLICs around town that have fiber running to them already.
2 Some of the infrastructure is there. Verizon has chosen
3 to do nothing with it. That irritates me. I don't know
4 much about FairPoint. From what I've read, they don't
5 have the billions of dollars it's going to take to do
6 this, and to do it right. If they try to implement DSL in
7 areas such as Grafton, such as Dorchester, such as
8 Wentworth, it's not going to happen, without a complete
9 rebuild-out of most of the infrastructure that's already
10 there. If you're going to do that, why mess with copper?
11 Why not bite the bullet and do it right now?

12 If we can hold Verizon's feet to the
13 fire and make them do that, that would certainly be my
14 vote. If we can hold FairPoint's feet to the fire and
15 make them do that, I'm probably going to get yelled at by
16 a lot of people in the audience, but I'd go for that, too.
17 But we need to have someone come into this state that is
18 going to bring us into the century that we live in. DSL
19 is not going to cut it. So many companies are offering
20 what they call "Triple Play", voice, video, and telephone,
21 over one connection. It can be done. It can be done
22 easily. It's not cheap to build. But, once it's there,
23 it will pay for itself.

24 Next generation services are not going

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1 to be available over DSL, especially the people that are
2 more than 10, 12, 13,000 feet from the CO. Unless we have
3 all these little POPs all over, where you pull the DSL out
4 of a SLIC. The problem with that is, then you've still
5 got to have the bandwidth from there back to the CO. So,
6 you've got another bottleneck. I just think, instead of
7 looking at mergers, instead of looking at who's going to
8 come in and take over, from a financial standpoint, let's
9 look at it from a service standpoint, and make sure that
10 this state gets what it needs to become a viable business
11 place for the future. Thank you.

12 CHAIRMAN GETZ: Joe Cormier, and Ed
13 Foley will follow Mr. Cormier.

14 MR. CORMIER: Yes. My name is Joe
15 Cormier. I'm a resident in Moultonborough, New Hampshire.
16 I'm a Verizon employee, and I'm also a proud member of
17 Local 2320, IBEW. Of the four Locals chartered in the
18 State of New Hampshire for IBEW, 2320 is the only one
19 chartered for telephone work. I'll be going in a
20 different direction than my brothers up here. I'd like to
21 thank the Commission for this public hearing as well. But
22 I'd like to begin with a brief citation, actually, of the
23 PUC's Mission Statement. "To ensure that customers of
24 regulated utilities receive safe, adequate and reliable

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1 service, at just and reasonable rates." This is from your
2 website. "To foster competition, where appropriate. To
3 provide necessary customer protection. To provide a
4 thorough but efficient regulatory process that's fair,
5 open and innovative." And, I think we have that this
6 evening, and I thank you.

7 I'd like to comment also that the
8 Commission, in deciding whether to permit an applicant,
9 such as FairPoint, to commence operations, basically it's
10 a "public good" determination under the Revised -- New
11 Hampshire's Revised Statutes Annotated 374:24, on "an
12 assessment of the applicant's managerial, technical, and
13 financial capability." This was taken from the joint
14 application. If it's accurate, and since FairPoint's
15 already doing business in New Hampshire, I guess the
16 public good determination is a done deal, at least to some
17 extent. Also taken from the joint application, however,
18 "evaluating requests to transfer utility assets pursuant
19 to RSA 374:30, the Commission has historically applied a
20 "no net harm" standard, the relevant PUC docket DT 07-011
21 has stated, as a Verizon transfer of assets and sales to
22 FairPoint." This would appear to indicate that the "no
23 net harm" standard applies.

24 My concerns are not so much whether the

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1 "public good" standard or the "no net harm" standard
2 applies, but rather a fairness standard, fairness for both
3 the consumer and the provider. The Commission regulates
4 telephone/telegraph aspects of Verizon and FairPoint, but
5 it has no jurisdiction over cable television, wireless
6 cellular, out-of-state long distance, or Internet service
7 providers. My concerns are today's regulations are
8 obsolete. They apply to some players, but not to others,
9 competing for the same consumer dollar.

10 Apparently, Verizon sees its future in
11 FiOS, that is video and Internet, not rural landline.
12 FairPoint says its "target market niche is rural landline,
13 enhanced with DSL", whatever. It says "it's good at
14 managing that arena."

15 Comcast, I don't believe they're here
16 tonight, main competitor of Verizon, probably its most
17 fiercest competitor, doesn't have to worry about the PUC.
18 One of my questions is, "will the commission factor in
19 regulated versus non-regulated companies competing in the
20 same market, under the "no net harm" umbrella?" Within
21 those companies, video, Internet, phone, that it attracts,
22 that's where the money is, but only the landline phone is
23 regulated. Cable companies offer relatively the same
24 products and services to telecoms, but they're not

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1 regulated.

2 FiOS is great. But it's not happening,
3 and why? It's not because of the technology or technology
4 transfer. There may be some other, hopefully, maybe the
5 PUC can pursue this consultants in the Legislature, it's
6 franchising. Salem, New Hampshire is fully wired for
7 FiOS. ONTs are sitting on every building in the city.
8 Why did Verizon not pull up -- you know, why can't they
9 make money? Metrocast makes money in New Hampshire.
10 Comcast makes money in New Hampshire. Why can't Verizon?
11 Is it because of FiOS or is it because they can't use
12 FiOS? Same things happen if you go to Massachusetts right
13 now, I believe. Some of our brothers in Massachusetts are
14 finding out, because they're going to be transferred to
15 Rhode Island, because of where they are pursuing Fios, and
16 the regulatory environment is a bit more conducive, you
17 know, to the revenue stream.

18 Companies like Verizon are spending
19 billions, with a "B", to change their business to video
20 and other broadband to survive, not to be -- and not to be
21 able to compete due to regulation. It's due to
22 marketplace demands. Regulation is killing them, not
23 demand from the marketplace. You've heard how many people
24 would like to see FiOS. Why hasn't it been put in? It's

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1 not technology. I come from the logistics world of
2 Verizon. I can guarantee you the cable and the equipment
3 is there. We will guarantee you an eight hour delivery
4 any place in the state, the Canadian border, down to the
5 Mass. border. It's not because of the union folks.

6 Some people talk about the "Information
7 Superhighways", and transfer of assets to FairPoint will
8 lead New Hampshire to a dirt road. While I'm on a
9 superhighway, I live on Long Island, on Lake
10 Winnepesaukee, in Moultonborough. I'm already there. But
11 I had to go to a non-regulated cable company to get it.
12 I'm now with Time Warner. The company I signed up with,
13 Adelphia. They're not here right now. But, for some
14 reason, I'm still getting 100 Mbps on my Internet service.

15 My real concern is a level playing field
16 for targeting markets that provide us, the consumer, with
17 competition for reliable service that we can choose and
18 are willing to pay for. And, relative to the real
19 hearings in the fall, you know, I think the state has
20 approved \$150,000, at least in the State of New Hampshire,
21 for consultants. I believe FairPoint uses Cap Gemini,
22 they have used them in the past, based out of Paris,
23 France. And, I believe Vermont has allocated an "X"
24 amount of dollars as well. Hopefully, that will be on TV

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1 somewhere or in the media, and let the consultants fight
2 it out in front of the Commission on what's great for the
3 consumer. I thank you.

4 CHAIRMAN GETZ: Actually, before
5 Mr. Foley speaks, I didn't see Meredith Hatfield, our
6 Consumer Advocate, is here as well this evening. And,
7 what Mr. Cormier was speaking about, the \$150,000 that the
8 Legislature has just approved, I don't know that that's
9 been signed yet, but that would be to hire a consultant
10 for the Office of Consumer Advocate. And, the Public
11 Utilities Commission has already engaged consultants of
12 our own that is going to assist our Staff in the hearings.

13 Sir.

14 MR. FOLEY: Thank you, Mr. Chairman.
15 Good evening, Mr. Chairman. Good evening, Commissioners.
16 Thanks for giving us the time this evening. I just want
17 to first say, I've agreed with everything that's been said
18 here tonight. And, I urge you, as the Commission, to veto
19 this deal. It's not a good deal for New Hampshire.

20 FairPoint and Verizon, well, let's talk
21 about Verizon first. Let's talk about some of the things
22 they have said and some of the commitments they were going
23 to make. They appeared before a subcommittee at the House
24 and asked for tax breaks, saying they needed them to

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1 provide the best telephone service to New Hampshire. Now,
2 they want to walk away from their promises. It's up to
3 you, the Commissioner -- the Commission, to hold them
4 accountable to their promises. Hold them accountable for
5 the New Hampshire residents.

6 Just some of the things that I've been
7 hearing and reading about FairPoint. I heard earlier
8 tonight, I think I heard the lady say that "FairPoint,
9 with this sale, would become a \$1 billion company", a "1.
10 something", I forget the exact figure. Right now, Verizon
11 is a multi-billion dollar company. Does this company need
12 this sale to make them a \$1 billion company? And, where
13 is that going to leave the residents of New Hampshire?

14 FairPoint, I understand, is in debt.
15 They're beholdng to their shareholders. What's going to
16 happen if this sale goes through? What's going to happen
17 to the residents in New Hampshire? Will there be
18 increases in rates to make their shareholders happy? I
19 don't know. That's up to you folks to decide. And, what
20 about the good paying jobs in New Hampshire, as I heard
21 people mentioning here this evening? These are jobs with
22 good benefits, good pay. What happens to those jobs? Are
23 those jobs going to stay around forever? Are those jobs
24 goings to be there for these members, these workers, to

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1 have wages and benefits to take care of their families?
2 Or will they go to work for a company that's not going to
3 give them health insurance? What's going to happen?

4 I just want to say, Mr. Chairman and the
5 Commissioners, that this not a good deal for New
6 Hampshire. Verizon has made commitments to the residents
7 in New Hampshire. And, this is socially and morally
8 wrong. And, it's up to you, the Commissioner and the
9 Commission, to hold them to their promises, put, as the
10 brother said before, put Verizon's feet to the fire and
11 make them live up to their promises. Thank you.

12 CHAIRMAN GETZ: David Duhamel. And,
13 William Lang would be next. Did I mispronounce that?

14 MR. DUHAMEL: No, that's pretty close.
15 "Duhamel". It's a tough one, I know. My name is David
16 Duhamel. And, I live in Goffstown, New Hampshire. The
17 past few months I often heard and read that "this sale is
18 good for the residents and consumers of New Hampshire."
19 No matter how often I think it through, no matter what I
20 read, I just can't wrap my mind around that idea. It
21 feels to me that we're being told to "drink the Kool-Aid
22 and go along with the sale, with no questions asked."
23 Well, I have questions, and I would like to have someone
24 explain to me "why this is better for New Hampshire?"

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1 Is it better for New Hampshire to switch
2 from a Fortune 500 company, to a company with almost no
3 equity and no experience dealing with communities larger
4 than two to three thousand people? Is it better for New
5 Hampshire to have a company with a leader that worked his
6 way up from an everyday worker to a company CEO or a small
7 company with a management team that seems to have only a
8 background in accounting? How is New Hampshire being
9 better served by a company whose main focus and vision is
10 a decade old Internet technology, as opposed to Verizon's,
11 which is currently setting the standard in the
12 communications industry with fiber to the home?

13 What real benefit is served to New
14 Hampshire residents and businesses, large and small, by a
15 company that is used to selling service to those who have
16 never had anything other than dial-up? Why is Verizon
17 still marketing FiOS in New Hampshire-only stations like
18 WMUR and WGIR? Are they hoping the deal doesn't go
19 through, now that cable franchising laws have changed, and
20 now present them with a real chance to offer cable?

21 If you've paid attention to the stock
22 market lately, you've noticed that FairPoint's stock has
23 been steadily and consistently declining to below
24 preannouncement prices. While, at the same time,

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1 Verizon's stock has surged to 52-week highs and continues
2 to gain every day. Is the stock market trying to tell us
3 that they don't have faith in FairPoint, now that some
4 time has past and they have done some research?

5 Gentlemen of the Commission, I ask you
6 to sincerely look at the FairPoint -- at what FairPoint
7 says they can offer to New Hampshire, as opposed to what
8 New Hampshire deserves. I can't imagine even the most
9 diehard consumer in support of this deal thinks that New
10 Hampshire deserves the nearly ancient DSL technology that
11 FairPoint is peddling. I ask you tonight to vote against
12 the sale. Thank you.

13 CHAIRMAN GETZ: Mr. Lang, and then Betty
14 Andrews would follow Mr. Lang.

15 MR. LANG: There are two figures that
16 FairPoint seems too like to throw out. One is the
17 "92 percent of FairPoint's customers have access to their
18 broadband or DSL, while only 62 percent of Verizon's has
19 access." My question, which I've never seen an answer to
20 is -- let me just regress a little bit. DSL is only good
21 18,000 feet out of the central office. Of this
22 92 percent, how many of those customers are within that
23 18,000 feet? And, with the remote terminals that Verizon
24 has, that are not capable of handling DSL, how is

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1 FairPoint going to modify these to handle the DSL?

2 My second issue is competition. The
3 FiOS system will be the only true competition against the
4 cable companies. Two months ago, my cable bill went up
5 four dollars. What can I do about it? Go to an antenna?
6 You know, I'm stuck. If I had a choice, I would go to
7 somebody else. When I go out to work in areas that we
8 have FiOS, first question I'm asked, either "when are we
9 getting FiOS?" Or "when are you guys going to provide TV,
10 so I have a choice?"

11 That's two comments I'd like to make. A
12 gentleman mentioned about "holding both companies' feet to
13 the fire". I agree with you one hundred percent. The
14 only difference is, if you hold Verizon's feet to the
15 fire, they have a lot of money to invest. So, they may
16 get a couple blisters. FairPoint, well, "we'd like to do
17 it, but we're \$1.7 million in debt, so our feet are done."
18 Thank you.

19 CHAIRMAN GETZ: Ms. Andrews? Is there a
20 Betty Andrews?

21 MS. BAILEY: I think that person left.

22 CHAIRMAN GETZ: Okay. Virginia Heard.

23 MS. HEARD: Good evening, Mr. Chairman.
24 I'm Virginia Heard, and I represent Carroll County

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1 District 3, the Towns of Sandwich, Ossipee, Freedom, and
2 Tamworth. And, I would just like to say that I'm really
3 concerned about FairPoint taking on a \$1.7 billion debt,
4 when it's so difficult to -- it's so expensive to
5 establish fiber optic lines. And, I really think that we
6 should consider the people of New Hampshire, not the --
7 not the companies so much, not FairPoint and not Verizon,
8 but what's best for the people of New Hampshire? And,
9 that's all of my comments. I'm a model of brevity
10 tonight. So, thank you.

11 CHAIRMAN GETZ: Jim Roche?

12 MR. ROCHE: Mr. Chairman, members of the
13 Commission, thank you. My name is Jim Roche. I'm the
14 President of the Business & Industry Association, New
15 Hampshire's statewide chamber of commerce. My remarks
16 will be brief. We have testified on this topic in the
17 recent past. I come before you to express our support for
18 this proposed transfer of assets from Verizon to FairPoint
19 Communications, for several reasons.

20 First of all, the transfer of assets
21 should result in enhanced customer service and benefits
22 throughout New Hampshire. Number two, FairPoint's
23 commitment to the region and its economy. We're pleased
24 to see FairPoint has committed to having New England based

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1 management, which may add as much as 600 -- as many as 600
2 new jobs to region, including some right here in New
3 Hampshire. Number three, FairPoint's strong history and
4 reputation for providing service in rural and small urban
5 areas. And, number four, FairPoint's commitment to local
6 communities. And, number five, the BIA believes the state
7 should continue to support public policy that recognizes
8 the sanctity of private contracts. The BIA has long been
9 committed to the general principle that the state is well
10 served by allowing one business to enter into a contract
11 with another business. To the extent possible, with
12 consideration given to public interest, the BIA would like
13 to see the state continue to encourage this policy of
14 preserving and fostering the ability of one business to
15 enter into a contract with another business. The BIA
16 hopes that the determination of the PUC in this docket
17 will reinforce the state's commitment to and respect for
18 private contracts.

19 Again, for these reasons, we support
20 this transfer of assets. Thank you.

21 CHAIRMAN GETZ: Is there a Mr. or
22 Ms. Andrews?

23 (No verbal response)

24 CHAIRMAN GETZ: Okay. I don't have any

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1 other sign-up sheets that have been handed in, unless
2 there's one out there that --

3 (No verbal response)

4 CHAIRMAN GETZ: Okay. Then, I'll take
5 it that everyone who has intended to speak has said their
6 piece tonight. I want to thank you all for coming. It's
7 been helpful in formulating our thoughts about this issue.
8 I just note that there are three more public statement
9 hearings, one on the 15th in Exeter, and then in Newport
10 on the 22nd, and Littleton on the 24th.

11 Okay. Then, that's all we have for this
12 evening. Thank you very much. I understand that Mr.
13 Nestor and Ms. Prior are available, if anyone wants to ask
14 them questions individually. Thank you.

15 (Public hearing ended at 8:00 p.m.)

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