

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 07-011

Verizon New England Inc. et al.;
Transfer of Assets to FairPoint Communications, Inc.

**ASSENTED-TO MOTION TO EXTEND TIME TO FILE
ESCROW ARRANGEMENT AND TO ISSUE BILL CREDITS**

NOW COMES Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (“FairPoint”) and hereby moves for a brief extension of the time to (I) file an escrow arrangement and (II) issue bill credits as directed by the New Hampshire Public Utilities Commission (the “Commission”) in its Order No. 25,360, dated May 8, 2012 (the “Order”). In support of this Motion, FairPoint states as follows:

1. In the Order, the Commission ordered FairPoint to, among other things, consult with the Commission’s Staff and representatives of the New Hampshire Office of Attorney General (“Attorney General”) and to produce by May 29, 2012, an escrow arrangement related to the use of certain funds for broadband expansion. *See* Order, p. 8. Failing those actions, the Order requires FairPoint to issue bill credits to FairPoint’s New Hampshire based retail customers in the amount of \$2,823,751 (the “Funds”) on June 1, 2012.

2. By this Motion, FairPoint seeks an extension to file the necessary escrow arrangement from May 29, 2012, to Wednesday, June 6, 2012. FairPoint also seeks relief from the deadline to issue bill credits from June 1, 2012, until the July 2012 billing cycles.

3. In support thereof, FairPoint hereby offers the following. First, FairPoint, the Staff and the Attorney General have engaged in discussions concerning an escrow arrangement

related to the Funds, as well as FairPoint's investment of \$500,000 for broadband expansion (the "FairPoint Investment"). The parties require additional time to conclude their discussions, which FairPoint believes are progressing. While five (5) days remain before the expiration of the deadline, it should be noted that three (3) of the days relate to a Holiday weekend and the Commission is closed on Monday, May 28, 2012. In addition, FairPoint has confirmed with two (2) financial institutions, of which one (1) will be selected as escrow agent, that an escrow agreement cannot be successfully concluded and approved by the financial institutions by May 29.¹ FairPoint believes it is reasonable to conclude discussions and present an escrow arrangement for the Commission's review by June 6.

4. FairPoint has placed the Funds and the FairPoint Investment into a restricted account with Branch Banking and Trust Company with the account holder listed as Northern New England Telephone Operations LLC. The total amount in the account is \$3,323,751 (the "Restricted Funds"). The Restricted Funds shall remain in this account pending the Commission's review of the escrow arrangement. In the event the Commission approves the escrow arrangement, FairPoint plans to transfer the Restricted Funds to the escrow agent to be held in escrow pending the submission, review and approval of a detailed broadband expansion plan in November 2012. *See Order, ps. 8-9.*

5. FairPoint has multiple bill issuance runs in June and July. It is not possible to issue all bill credits in a single bill run. Instead, the bill credits if issued would need to be issued in a single bill cycle throughout a single month. Therefore, FairPoint requests that the Commission permit the bill credits to be issued during the July 2012 billing cycle versus

¹ The parties also are discussing which financial institution to select for the escrow arrangement.

² To the extent that the Commission has concerns related to Senate Bill 48, FairPoint notes that (i) Senate Bill 48 has not been enacted as of the date of this Motion and (ii) even if enacted, the legislation is not

selecting a specific date in July. FairPoint's last retail bill run in July 2012 is on July 27 and after that bill run the full amount of the bill credits would be accounted for.

6. FairPoint is authorized to represent to the Commission that the Staff assent to the relief requested herein. Additionally, FairPoint believes and asserts that no party would be prejudiced by the Commission granting the relief sought herein.²

WHEREFORE, the Petitioners respectfully request that the Commission grant this Motion and (i) extend the deadline to file, for the Commission's review, an escrow arrangement related to the Restricted Funds and (ii) extend the time to issue bill credits until the July 2012 billing cycle.

Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC D/B/A
FAIRPOINT COMMUNICATIONS-NNE

By Its Attorneys,
DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: May 24, 2012

By: 

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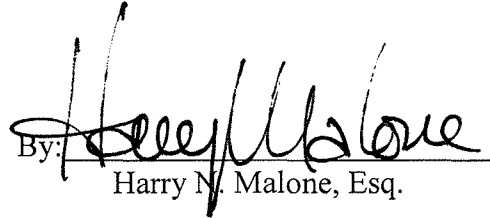
Patrick C. McHugh
State President – New Hampshire
& Assistant General Counsel – NNE
FairPoint Communications, Inc.

² To the extent that the Commission has concerns related to Senate Bill 48, FairPoint notes that (i) Senate Bill 48 has not been enacted as of the date of this Motion and (ii) even if enacted, the legislation is not effective until sixty (60) days after enactment.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Assented-To Motion was forwarded this day to the parties by electronic mail.

Dated: May 24, 2012

By: 
Harry N. Malone, Esq.