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September 23, 2009

***Via Electronic Mail and Overnight Delivery***

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Docket No. DT 09-113; *FairPoint Communications' Petition for Waiver of Certain Requirements under the Performance Assurance Plan and Carrier to Carrier Guidelines*

Dear Ms. Howland:

By this letter, DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad") concurs with and supports the Motions to Dismiss filed by One Communications ("One"), CRC Communications of Maine, Inc. ("CRC"), and Freedom Ring Communications d/b/a Bayring Communications ("Bayring") regarding FairPoint Communications' supplemental and revised petition. While Covad urges the Commission to grant the Motions to Dismiss, Covad also supports the alternative remedies to stay the proceedings to allow FairPoint and affected CLECs to negotiate and to finalize a streamlined PAP as contemplated by earlier Commission orders and agreements.

Finally, Covad supports One's, CRC's, and Bayring's position that any revision to the PAP should not and cannot be applied retroactively. Covad urges the Commission to deny FairPoint's revised petition on this issue now, even if the Commission stays the petition while the PAP is worked out in a collaborative. Without such action now, the PAP remedy payments/credits to CLECs will be at risk and cause unneeded and unnecessary uncertainty as to the treatment of those credits.

Thank you for your consideration of this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Katherine K. Mudge

cc: All Parties of Record (via email)  
Office of Consumer Advocate (via email)

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