

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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March 9, 2010

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Re: DT 10-025, FairPoint Communications, Inc.
Issue for Discovery

To the Parties:

On Saturday, February 20, 2010, an e-mail was sent to the Public Utilities Commission's general e-mail account, addressed to Kate Bailey, the Director of the Commission's Telecommunications Division. See Attachment A. The e-mail was forwarded to Ms. Bailey by Commission administrative staff on Monday morning, February 22, 2010. On March 1, 2010, when she returned from vacation, Ms. Bailey forwarded the e-mail to the Commissioners, General Counsel Anne Ross and Legal Division Director Ed Damon. See Attachment B.

The Commissioners met with Mr. Damon, and consulted the attorneys assigned to them by the Department of Justice, to consider the appropriate means for addressing the substance of the allegations, including who should pursue the issue in light of the designation of Ms. Ross and Ms. Bailey as staff advocates. The Commission determined that the substantive issues could be pursued in the normal course of discovery in this proceeding and that the designation of Ms. Ross and Ms. Bailey as staff advocates should be observed with respect to exploring the allegations. Accordingly, the Commissioners did not meet with Ms. Bailey or Ms. Ross.

Inasmuch as the e-mail provided as Attachment A raises issues that may lead to the discovery of information relevant to this proceeding, it is being placed in the docket book for use by the parties. The name and address line has been redacted, however, pending the Commission's determination of whether it is appropriate to disclose the identifying information regarding the author of the e-mail.

Sincerely,

A handwritten signature in cursive script that reads "Debra A. Howland".

Debra A. Howland
Executive Director

Attachments
cc: Docket File