

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DT 10-025

**Request for Approvals in Connection with
the Reorganization Plan of FairPoint Communications, Inc., et al.**

**PETITION TO INTERVENE LATE OF
DIECA COMMUNICATIONS, INC. D/B/A COVAD**

Pursuant to New Hampshire Revised Statutes Annotated (“RSA”) 541-A:32, New Hampshire Administrative Rules, Puc 203.17, and the February 26, 2010, Order of Notice issued by the Public Utilities Commission (“Commission”), DIECA Communications, Inc. d/b/a Covad (“Covad”) petitions to intervene late as a party in the above-captioned docket. As grounds therefor, Covad states as follows:

BACKGROUND

1. Covad is a competitive local exchange carrier (“CLEC”) authorized to provide local exchange service and other telecommunications services in New Hampshire. Covad maintains facilities in New Hampshire, and serves customers in many states across the United States.
2. Covad focuses its offerings on business and residential customers and offers a bundle of broadband and VoIP services. Covad has an interconnection agreement with FairPoint Communications, Inc. (“FairPoint”) and leases unbundled network elements, has collocation arrangements, and interconnects with FairPoint in New Hampshire, which enables Covad to provide competitive service alternatives to consumers in

New Hampshire. Covad depends on FairPoint to provide a number of wholesale services to Covad in order to serve its customers or offers to services to potential customers.

3. Covad petitioned for and received party status in the underlying DT 07-011 docket that addressed the terms and conditions of the application seeking approval of the sale and asset transfer of the fixed-line business of Verizon New Hampshire to FairPoint.
4. FairPoint and its affiliates thereafter entered bankruptcy and have filed reorganization plans that would materially affect the terms and conditions of FairPoint's operations and services in New Hampshire.
5. On February 26, 2010, the Commission issued an Order of Notice soliciting interventions on proposed modifications to the terms and conditions of FairPoint's operations in New Hampshire pursuant to the final order in the predecessor DT 07-011 docket and other Commission orders.

LATE INTERVENTION REQUEST

1. Covad's rights, duties and interests are specifically and substantially affected by various aspects of the proposed modifications to the existing orders governing FairPoint's operations in New Hampshire. Covad would be affected by any legal or operational changes resulting from the instant proceeding that would change legal rights with respect to delivery or receipt of services Covad receives from FairPoint or adversely affect the service quality of such wholesale services.

2. Moreover, as a competitor of FairPoint in retail markets, Covad has an interest in ensuring that the proposed proceeding does not result in changes to existing regulatory requirements that would adversely affect retail markets in New Hampshire.
3. Covad's rights, duties and interests cannot be adequately represented by any other party in this proceeding, intervention as a full party should be granted.
4. Covad has not yet decided upon the nature of its participation in this matter. Its participation may depend on the issues as they are developed during the course of this proceeding. In order to preserve its rights and to assist the Commission and the other parties as appropriate, Covad requests that the Commission provide it with the right of full participation, including through participation of counsel in procedural and evidentiary hearings, propounding of discovery, presentation of testimony and submission of written pleadings and briefs.
5. Covad acknowledges that the instant petition to intervene late is submitted after the deadline established in the February 26, 2010 Order of Notice. Covad was not served with the Request for Approvals filed by FairPoint which initiated this proceeding. Covad is untimely by less than two weeks and Covad will not seek to alter the schedule established for this proceeding. Accordingly, no party is prejudiced by the late grant of intervention to Covad in this proceeding.

SERVICE LIST

6. Please add to the paper copy and electronic service lists in this docket the following company representative:

Katherine K. Mudge
Director, State Affairs & ILEC Relations
Covad Communications
7000 N. Mopac Expressway, 2d Floor
Austin, Texas 78731
(512) 514-6380 (office)
(512) 514-6520 (fax)
(512) 567-9065 (mobile)
kmudge@covad.com

CONCLUSION

Accordingly, for the above described reasons, the Commission should:

- (1) Grant the petition of Covad to intervene late as a full party in this matter;
- and
- (2) Take other actions that the Commission deems necessary or appropriate.

DIECA COMMUNICATIONS, INC, D/B/A
COVAD COMMUNICATIONS COMPANY

By its attorney,



Katherine K. Mudge
Director, State Affairs & ILEC Relations
Covad
7000 N. Mopac Expressway, 2d Floor
Austin, Texas 78731
(512) 514-6380 (office)
(512) 514-6520 (fax)
(512) 567-9065 (mobile)
kmudge@covad.com

DATE: March 19, 2010