

**State of New Hampshire
Public Utilities Commission**

**Docket No. DT 10-025
FairPoint Communications, Inc., et al.**

Respondent: Michael Skrivan
Title: Vice President, Regulatory
Affairs

Objection: By Counsel

REQUEST: Comcast Phone of New Hampshire, LLC
Set 1

DATED: March 17, 2010

**ITEM: COMCAST
1-3** Reference paragraph 9.4 of the 2008 Settlement which states
“FairPoint agrees to pay for the conduct of an independent audit of its
wholesale performance assurance plan. If a simplified wholesale
performance assurance plan is adopted prior to June 1, 2010, the audit
shall take place following the first six months during which that plan is
in effect. If no simplified plan is in effect by June 1, 2010, or if efforts
to develop such a plan have terminated before that date, then FairPoint
agrees to such an independent audit of the existing wholesale
performance assurance plan. The Commission will be solely
responsible for the choice of the independent auditor, but will afford
FairPoint the opportunity to submit the names of firms to be included
within the list of firms to receive requests for proposals for the
provision of such services.” In addition, please refer to Mr. Murtha’s
prefiled testimony, page 10, lines 1-3. Please:

(a) state whether said paragraph 9.4 and the CLEC Settlement will
remain in effect and unchanged at the conclusion of Docket No. DT
10-025;

(b) state whether said paragraph 9.4 and the CLEC Settlement will
remain in effect and unchanged upon the federal Bankruptcy Court’s
approval of FairPoint’s Plan of Reorganization;

(c) state whether FairPoint is proposing any changes or modifications
to said paragraph 9.4 or the CLEC Settlement, and if so, specifically
identify such change or modification and explain the reason therefor.

REPLY: OBJECTION. FairPoint objects to Comcast 1-3 on the grounds that it
seeks a legal conclusion. Subject to and without waiving this

objection, FairPoint will provide information responsive to Comcast 1-3.

(a) FairPoint is proposing no change in this docket to paragraph 9.4 of the 2008 Settlement.

(b) Please see the response to Comcast 1-3(a).

(c) Please see the response to Comcast 1-3(a).