

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: Joint CLECS
Set 1
DATED: March 17, 2010

ITEM: CLECS-3 Please refer to the Joint Settlement Stipulation among FairPoint Communications, Inc., BayRing, segTEL, Inc., and Otel Telekom, Inc. filed by FairPoint in Docket No. DT 07-011 on October 29, 2007 ("Joint Stipulation"). Attached to the Joint Stipulation is an Exhibit 2 listing tariffs that CLECs utilized to purchase services from FairPoint at the time of the Joint Stipulation. Please explain FairPoint's position on the continued applicability of FairPoint's agreement to provide services as described in each of the tariffs listed in Exhibit 2 (NH PUC 84, 85 and 86) in the event that Regulatory Settlement is approved and if FairPoint's Second Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code is approved.

REPLY: OBJECTION. FairPoint objects to CLECS-3 on the grounds that it seeks a legal conclusion, and that Order No. 24,823 in DT 07-011, the Staff Settlement Agreement in DT 07-011, and the Joint Stipulation in DT 07-011 speak for themselves regarding FairPoint's commitments to wholesale providers. Subject to and without waiving this objection, FairPoint will provide information responsive to CLECS-3.

Please see the response to CLECS-1 and CLECS-2.