

November 15, 2012

HARRY N. MALONE
T 603.695.8532
HMALONE@DEVINEMILLIMET.COM



VIA HAND DELIVERY

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

Re: DT 11-061; FairPoint Communications, Inc. Petition for Approval of Simplified Metrics Plan and Wholesale Performance Plan

Dear Ms. Howland:

Referencing the October 23, 2012 Joint Motion for Expedited Approval of Settlement Stipulation in the subject proceeding, enclosed for the Commission's information is a copy of a Procedural Order dealing with a companion filing with the Vermont Public Service Board in its Docket No. 7506. In this Procedural Order, the Hearing Officer has established the following procedure for consideration and approval of the Settlement Stipulation:

- Parties shall submit comments on the Settlement Stipulation by November 20, 2012.
- If no comments are submitted, or no party raises issues, the Hearing Officer will prepare a Proposal for Decision.
- If a party raises a legal issue, the Hearing Officer will schedule an oral argument and, if needed, provide an opportunity for parties to submit briefs, and then proceed with resolution.
- If a party raises a factual issue, the party must demonstrate that the factual issue raises a genuine issue of material fact (employing a standard similar to a summary judgment motion under Rule 56 of the Vermont Rules of Civil Procedure). If a genuine issue is raised, the Hearing Officer will determine what further process is needed; if none is raised, the Hearing Officer will prepare a Proposal for Decision.

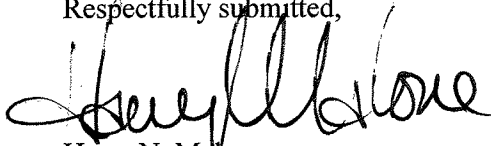
We believe that this procedure is just and reasonable, and an efficient use of the parties' time and resources. We respectfully request that the Commission adopt a similar procedure, taking into account any differences in the Commission's rules. FairPoint is authorized by the CLEC Parties to the October 23 filing to represent that they support this request.

LINKED

Debra A. Howland
November 15, 2012
Page 2

A compact disk containing this filing is also enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harry N. Malone". The signature is fluid and cursive, with the first name "Harry" being more prominent.

Harry N. Malone
Counsel to Northern New England Telephone Operations LLC,
d/b/a Fairpoint Communications-NNE

HNM:aec

Enclosures

cc: Electronic Service List