

DT 11-061



ATTORNEYS AT LAW

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November 1, 2013

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**BY HAND DELIVERY  
AND ELECTRONIC MAIL**

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

Re: DT 11-061; Northern New England Telephone Operations LLC d/b/a FairPoint  
Communications ("FairPoint") - NNE Petition for Approval of Simplified Metrics Plan  
and Wholesale Performance Plan

Dear Ms. Howland:

On behalf of FairPoint, enclosed is an original and six copies of the final report of FairPoint's actions and accomplishments in response to the "Audit of FairPoint Communications' New Hampshire Wholesale Performance Assurance Plan and Metrics," ("Audit Report") prepared by the The Liberty Consulting Group ("Liberty") and submitted to the Commission on December 19, 2012.

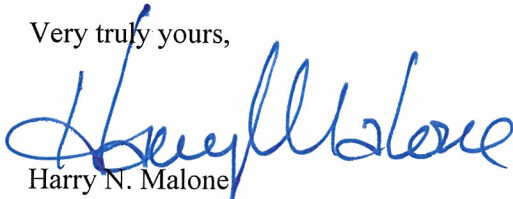
As described in greater detail in the attached report, FairPoint is pleased to advise the Commission that FairPoint has remedied or otherwise addressed each of the 115 factual findings that Liberty presented in the Audit Report. Furthermore, FairPoint has adopted all of the 11 recommendations that Liberty made in the Audit Report. Significant among these recommendations was that FairPoint should determine the net impact of the calculation errors on metric reports and bill credits during 2011. To that end, this report also provides a reconciliation of the initial PAP reports for August 2011 and the last quarter of 2011, compared against reports that have been recalculated to the extent possible to account for changes implemented in response to audit findings. Based upon the recalculations, FairPoint believes that overall the CLECs have not been harmed by any calculation errors and have been compensated in accordance with the terms of the PAP.

When ordering the audit, the Commission emphasized that the audit would have prospective benefit in developing a new Wholesale Performance Plan ("WPP"). As you know, FairPoint and the CLECs recently submitted a Settlement Stipulation and proposed WPP to the Commission. The proposed WPP Agreement, which was negotiated in discussions that were informed by the Audit Report, incorporates most of the key structural components recommended for a new simplified PAP. Three legal issues remain unresolved and are subject to a briefing schedule.

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None of these remaining issues can be illuminated by further auditing of the PAP or the Audit Report. In light of the proposed WPP, the resolution of the issues that Liberty identified, and FairPoint's adoption of Liberty's recommendations, FairPoint respectfully submits that the intent of the PAP audit has been satisfied. Accordingly, FairPoint respectfully requests that the Commission declare that the audit, and this portion of its investigation, are complete and find that, as of this date, FairPoint has satisfied the PAP audit conditions of Section 9.4 of the 2008 Settlement Agreement in DT 07-011.

Very truly yours,



Harry N. Malone

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Enclosures

cc: Electronic Service List