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May 29, 2007

Via Hand Delivery

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
Walker Building
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

NHPUC MAY 29 '07 PM 4:14

Re: **DT 07-011 - Verizon New England Inc., Bell Atlantic Communications, Inc.,
NYNEX Long Distance Company, Verizon Select Services Inc. and FairPoint
Communications, Inc.**

Dear Ms. Howland:

Enclosed for filing with the Commission are an original and six copies of Verizon New England Inc., et al.'s Objection to Staff's Motion to Compel Verizon Response to Data Request. An electronic copy of the filing will be provided to the PUC librarian and the parties.

Thank you for your assistance with this matter.

Very truly yours,


Steven V. Camerino

SVC:ksm
Enclosures

cc: Service List (by electronic mail)
Librarian (by electronic mail)



STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, Verizon Select Services Inc. and FairPoint Communications, Inc.

Docket No. DT 07-011

**VERIZON NEW ENGLAND INC. ET AL.'S OBJECTION TO
STAFF'S MOTION TO COMPEL VERIZON RESPONSE TO DATA REQUEST**

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Verizon Select Services Inc. ("Verizon") submit this objection to the Commission Staff's ("Staff") Motion to Compel Verizon Response to Data Request. In support hereof, Verizon states as follows:

1. On May 18, 2007, Staff filed a motion seeking to compel Verizon to respond to a number of data requests relating to Group I issues in this proceeding. Since that time, Staff and Verizon have resolved most of the issues identified in Staff's motion. However, based on communications with Staff through May 25, it is Verizon's understanding that Staff is seeking a Commission order to address Staff's motion to compel as it relates to data requests 1-9, 1-17 and 1-18. Staff has also indicated that it is not satisfied with Verizon's response to Staff 1-42, although that issue is not yet ripe for response by Verizon or resolution by the Commission because Staff has merely reserved its right to move to compel a response but has not yet filed a motion to compel on that issue or otherwise explained the basis for requiring a further response by Verizon.

2. Staff data request 1-9 states as follows:

Provide a schedule that shows the transfer of assets and liabilities relating to the accounts receivable and long distance operations, etc. (Spinco-Newco) both in total and specifically for the New Hampshire properties to be transferred from Verizon. The schedule should show the appropriate general ledger accounts for the assets and liabilities transferred and the appropriate dollar amounts related to general ledger accounts for the assets and liabilities transferred.

Verizon has informed Staff that the information sought by this request does not exist.

Verizon has also informed Staff that information of the type sought by this data request is maintained at the entity level only, and therefore cannot be provided specifically for New Hampshire only or for the three Northern New England states in total. Information at the entity (i.e., Verizon New England) level covers Rhode Island and Massachusetts in addition to Vermont, Maine and New Hampshire, and therefore would neither be responsive nor relevant to this proceeding. Because the data sought by Staff does not exist, the request to compel its production should be denied.

3. Staff data request 1-17 provides “[p]lease provide all presentations to Moody’s, Standard and Poor’s, and Fitch by Verizon that include forecasts of post-merger results.” Staff clarified that it was seeking “presentations Verizon has made to credit agencies regarding the specific assets to be transferred in the proposed transaction.” Staff’s Motion to Compel at 3. Verizon objected to Staff’s original request on the basis that it sought information that is not reasonably calculated to lead to the discovery of information that would be relevant to this proceeding. Verizon has further informed Staff that the requested information does not exist and therefore cannot be provided. Staff should not be allowed to repeatedly update and revise its requests in each round of discovery, turning an already burdensome discovery process into a never ending iterative process. For these reasons, Staff’s motion to compel should also be denied as it relates to data request 1-17.

4. Staff data request 1-18 stated:

Provide the internal actual and projected funding levels for capital expenditures both for Verizon-New England as a whole and for Verizon-New Hampshire for the five years prior to the anticipated merger date (2003-2007) and eight years following the merger date (2008-2015).

The information sought by this request is not relevant to the Commission's review of the transaction proposed by Verizon and FairPoint. Verizon has already provided historical capital expenditure levels for its New Hampshire operations and Spinco. Projections for prior periods (e.g. pre-2007) are not relevant because actual data has been provided. Information for capital expenditures in other jurisdictions (which is what would be provided if data at the Verizon New England level were to be compelled) is not relevant to New Hampshire's consideration of the transaction. In addition, projections of possible future capital expenditures are irrelevant because they are speculative and do not have the certainty and validity of actual past expenditures. Moreover, such projections do not exist at the New Hampshire or Verizon New England level beyond 2007, and information of this type at the New England level has no relevance to the matters legitimately at issue in this proceeding. What is relevant to the Commission's consideration in this docket is the service currently provided by Verizon, not "what ifs" that might exist should the Merger Agreement not be consummated. If that were the case, the Commission's investigation would be an endless inquiry into every possible permutation of system improvements and service quality efforts that Verizon might implement in the future.

WHEREFORE, Verizon respectfully requests that the Commission:

- A. Deny Staff's Motion to Compel; and
- B. Grant such other and further relief as the Commission deems necessary and just.

Respectfully submitted,

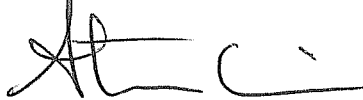
VERIZON NEW ENGLAND INC.
BELL ATLANTIC COMMUNICATIONS, INC.
NYNEX LONG DISTANCE COMPANY
VERIZON SELECT SERVICES INC.

By their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: May 29, 2007

By:



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Certificate of Service

I hereby certify that on May 29, 2007, a copy of this Objection to Staff's Motion to Compel has been forwarded to the parties listed on the Commission's service list in this docket.



Steven V. Camerino