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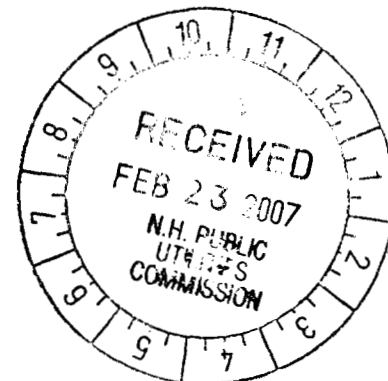
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Please Respond to the Exeter Office

February 22, 2007



VIA FEDERAL EXPRESS
Debra Howland, Executive Director
New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Re: DM 07-011 / In the Matter of Verizon New England and Fair Point Communications

Dear Ms. Howland:

Enclosed please find an original and eight (8) copies of a Petition to Intervene in the above-captioned matter on behalf of the municipalities of Hanover, Newmarket, Raymond Salem and Seabrook together with a diskette containing the Petition to Intervene. The document is in Word 2000 format.

We have also enclosed an additional copy of this letter and the Petition to Intervene. Please date-stamp this document to evidence your receipt and return the date-stamped copy to us in the enclosed return envelope.

A copy of the foregoing has been forwarded this date to the persons listed on the service list attached to the Petition.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC
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Katherine B. Miller
kmiller@dtclawyers.com

RDC/dlc
Enclosures

cc: Municipalities
Service List

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STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DM 07-011

Verizon New England, et al, and FairPoint Communications, Inc.

**Petition of Municipalities
of Hanover, Newmarket, Raymond, Salem and Seabrook to Intervene**

NOW COME the Municipalities of Hanover, Newmarket, Raymond, Salem and Seabrook by and through their attorneys, DONAHUE, TUCKER & CIANDELLA, PLLC, and move the Commission to grant the municipalities of Hanover, Newmarket, Raymond, Salem and Seabrook ("Municipalities") intervenor status, without limitation, pursuant to RSA 541-A:32 and N.H. Administrative Rule, PUC 203.02. In support of this motion, the Municipalities state:

1. The Municipalities are municipal corporations duly organized pursuant to New Hampshire state law.
2. On 31 January 2007, Verizon New England, Inc. ("Verizon NE") Bell Atlantic Communications, Inc., NYNEX Long Distance Co., and Verizon Select Services (collectively "Verizon") and FairPoint Communications ("FairPoint") filed with the Public Utilities Commission ("Commission") a joint petition seeking approval of a series of transactions that,

if consummated, would result in FairPoint (through subsidiaries) (1) acquiring the current Verizon NE franchise to provide wireline telecommunications services in New Hampshire; and (2) owning the network that Verizon NE currently uses to provide those services.

3. The Commission issued an Order of Notice dated 7 February 2007, in which it noted: "The filing raises, inter alia, issues related to whether the proposed transactions are for the public good pursuant to the statutes referenced above [in the Order], as well as RSA Chapter 369 (governing issuance of securities)."
4. In addition to the issues noted by the Commission, the Municipalities understand that the proposed transactions also involve transfer of ownership of some of Verizon's equipment in the right-of-way including poles and conduits that are part of the transaction. This proposed transfer raises issues of whether FairPoint is capable of, and willing to, assume responsibility for: ownership of poles in the public right-of-way; pole installation, replacement and removal; responding to customer requests for service; handling maintenance obligations and maintaining the equipment safely; attachments by municipalities; and tree trimming.

5. The Municipalities' rights, duties, privileges, immunities and other substantial interests may be affected by this proceeding. RSA 541-A:32, I (b).
6. The Municipalities are responsible for managing all aspects of the public ways in the Municipalities. By statute, they are authorized to grant licenses for poles to be located in the public ways. RSA 231:160. The Municipalities must consider the public good when approving placement of the poles.
7. Issues of safety, maintenance and emergency management are central to the Municipalities' management of the rights of way, including granting licenses for poles in the public right of way or amending those licenses as permitted by RSA 231:163, "whenever the public good requires."
8. The Municipalities will have a continuing interest in the practical implications of the Commission's actions in this matter.
9. On 24 October 2005, the Commission opened a docket, No. 05-172, specifically investigating issues related to pole ownership, management and maintenance. The Municipalities, along with four other municipalities (Exeter, Keene, Portsmouth and Stratham) petitioned to intervene and were granted intervenor status by the Commission. That docket has progressed significantly, with multiple data requests

and technical sessions. The parties have been working through these substantive areas and have draft work products on several topic areas.

10. The instant docket will entail consideration of some of the same issues raised in the pole investigation. The Municipalities have the same interest in the safety and maintenance of equipment in the public rights-of-way, equitable valuation for payment of tax on use of the right-of-way, and in municipal use of space on poles in this docket as they have in the pole investigation.
11. We have contacted all nine of the municipalities which intervened as a group in the pole investigation docket. Due the difficulties in the process of obtaining consent or authority for such filing on relatively short notice from a public entity (for instance, needing authorization from a governing board which meets only weekly or biweekly) we have not heard from all the municipalities contacted. We anticipate that most if not all will want to intervene with this group in this docket and will so notify the Commission.
12. The Municipalities' intervention in the instant docket promotes the interest of justice and will not delay or interfere with the orderly and prompt progress of this docket. RSA 541-A:32, I (c). The Municipalities will

present needed and valuable information regarding safety, maintenance and emergency management issues involving the poles in the public right of way, topics which are central to this investigation. The Commission's authority to issue orders in support of the public good includes the consideration of the interests of the Municipalities' residents and taxpayers, as well as those of the utilities involved and the rate payers.

13. By filing for intervenor status together, the Municipalities will further promote efficiency in the progress of the docket. Additional municipalities may also petition to join this group of Municipalities as the docket progresses.

WHEREFORE, the Municipalities of Hanover, Newmarket, Raymond, Salem and Seabrook respectfully move the Commission to:

- A. Accept their petition to intervene; and
- B. Grant such other relief as is just and reasonable.

Respectfully submitted,

THE MUNICIPALITIES OF HANOVER AND
RAYMOND
By their attorneys,
DONAHUE, TUCKER & CIANDELLA, PLLC

Date: Feb. 22, 2007

By: K B Miller
Katherine B. Miller
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Intervene has this day been forwarded via e-mail and/or first class mail to the service list attached hereto.



Katherine B. Miller, Esq.

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