

FairPoint Communications, Inc.
State of New Hampshire
Docket No. DT 07-011

Respondent: Michael Skrivan
Title: Senior Director, Regulatory
Affairs

REQUEST: Office of Consumer Advocate - Rebuttal

DATED: September 19, 2007

ITEM: OCA R-112 Re page 22, lines 1 through 4, of the Rebuttal Testimony of Michael T. Skrivan.

- a. Please define and describe fully "of this sort" as the phrase is used in the referenced testimony.
- b. If the FCC grants Verizon forbearance relief which Verizon seeks, for among other areas, two New Hampshire counties, does that forbearance relief transfer to FairPoint? Please explain.
- c. If it is Mr. Skrivan's understanding that FairPoint would "inherit" the forbearance relief now being sought by Verizon, how, if at all, would such relief affect the way in which FairPoint offers its services in New Hampshire? Explain fully.

REPLY:

OBJECTION: FairPoint objects to Data Request R-112 on the grounds that the orders of the Federal Communications Commission speak for themselves. FairPoint further objects to Data Request R-112 on the grounds that it seeks a legal conclusion. Subject to and without waiving these objections, FairPoint will provide information responsive to Data Request R-112. [Objection served September 25, 2007.]

- a. FairPoint proposes to not seek any form of forbearance from the FCC for one year following closing.
- b. Yes. While this is primarily a legal question, FairPoint's position is that the forbearance relief is granted by the FCC to a particular geography and that forbearance would continue to apply to the geography.
- c. Verizon requested forbearance relief only with respect to two counties in New Hampshire. However, the FCC has not yet

ruled on Verizon's request and the deadline for FCC action is not until December 2007. FairPoint will not know what services will be affected by the relief granted, if any, or how any such relief would affect the way in which FairPoint offers any such services, until the FCC has issued its ruling. FairPoint believes that in general it should be entitled to the same degree of flexibility over its rates, terms and conditions of service as Verizon in the acquired exchanges. Nevertheless, in the event the FCC grants Verizon any forbearance relief pursuant to the pending request, FairPoint would be willing to forego the implementation of such relief for a period of one year after the closing of the Merger, as stated in Mr. Lippold's rebuttal testimony.