

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7270

Joint Petition of Verizon New England Inc., d/b/a)
Verizon Vermont, certain affiliates thereof, and)
FairPoint Communications, Inc. for approval of an asset)
transfer, acquisition of control by merger and associated)
transactions)

Order entered: 1/8/2009

ORDER RE: MODIFICATION TO CUTOVER READINESS CONDITIONS

I. INTRODUCTION

On November 26, 2008, the Vermont Public Service Board ("Board") issued an Order authorizing FairPoint Communications, Inc. ("FairPoint") to issue its irrevocable notice of cutover readiness, subject to certain conditions. Condition 6 of the Order contained requirements associated with the time intervals for retail and wholesale installation, addition, and change orders, which FairPoint planned to extend during the post-cutover period, as well as provisions for compensation for customers if FairPoint did not return to normal intervals for completing service requests by March 16, 2009. Under the condition, FairPoint was also required to provide its standard provisioning intervals to the Board by January 9, 2009. Finally, the condition specified that it would only take effect if FairPoint did not provide to the Department of Public Service ("Department"), by December 5, 2008, detailed information on provisioning intervals that was reasonably satisfactory to the Department.

The Department, with the consent and support of FairPoint, now asks that we modify Condition 6. The Department maintains that, after discussions with FairPoint, it did not find the information provided by FairPoint to be "reasonably satisfactory." This determination would have required that Condition 6 take effect. However, FairPoint and the Department have now agreed that, in lieu of the original condition, we should modify the requirement to read as follows:

FairPoint shall return to normal pre-cutover provisioning intervals for retail and wholesale installation, addition, and change orders not later than March 30, 2009. If FairPoint meets fewer than 90% of retail installation appointments (as defined in its retail service quality plan) or of its wholesale due dates (as defined in Performance Assurance Plan metric, "PR-4 'Missed Appointments'") in a single week after March 30, 2009, it shall begin within one week to credit wholesale and retail customers any nonrecurring charges for any new missed installation appointments. This condition shall terminate after FairPoint achieves any two consecutive weeks when it meets at least 90% of retail installation appointments and 90% of wholesale due dates each week. FairPoint shall file with the Board and Department by January 9, 2009, a listing of standard pre-cutover wholesale and retail provisioning intervals, based on historical practice.

The Department maintains that the modified condition "offers similar protections to customers." No other party opposed or commented on the proposed modification to our Order.

We find the Department's proposed modification to be reasonable and adopt it. The modified condition does allow FairPoint an additional 15 days in which to return to its normal service provisioning intervals. At the same time, it delineates more specifically the consequences that will occur if FairPoint does not return to normal intervals. The modified condition also extends the period in which FairPoint is potentially subject to compensation to customers if it has not been able to meet its standard intervals. Overall, these changes are reasonable.

SO ORDERED.

Dated at Montpelier, Vermont, this 8th day of January, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: January 8, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.