

# BINGHAM

Harry N. Malone  
Phone: 202.373.6705  
Fax: 202.373.6439  
harry.malone@bingham.com

October 21, 2008

## VIA FEDERAL EXPRESS

Catrice C. Williams  
Secretary  
Department of Telecommunications and Cable  
Two South Station  
Boston, Massachusetts 02110

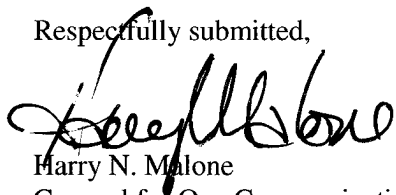
**Re: DTC 08-03; Complaint of Choice One Communications of  
Massachusetts, Inc., et al.**

Dear Ms. Williams:

Enclosed please find the Supplemental Response to Information Request D.T.C. - One Com 1 - 8. This filing has also been filed using the Department's electronic filing system. Additionally, one copy of this filing has been served on all parties contained in the Service List.

Please date-stamp the enclosed extra copy of this filing and return it in the self-addressed, stamped envelope provided. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,



Harry N. Malone  
Counsel for One Communications Corp.

cc: Service List  
dpu.efiling@state.ma.us  
betsy.whitney@state.ma.us  
alejandra.hung@state.ma.us

Boston  
Hartford  
Hong Kong  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Santa Monica  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

Bingham McCutchen LLP  
2020 K Street NW  
Washington, DC  
20006-1806

T 202.373.6000  
F 202.373.6001  
bingham.com


A/72712010.1

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

**Complaint of Choice One Communications of )**  
**Massachusetts Inc., Conversent Communications )**  
**Massachusetts, LLC, CTC Communications Corp. )**  
**And Lightship Telecom, LLC (collectively, “One )** **D.T.C. 08-3**  
**Communications”), Concerning the Unlawful )**  
**Charges Imposed by Verizon New England Inc., d/b/a )**  
**Verizon Massachusetts )**

**ONE COMMUNICATIONS SUPPLEMENTAL RESPONSE TO**  
**THE DEPARTMENT’S FIRST SET OF INFORMATION REQUESTS**

In accordance with 220 C.M.R. § 1.06(6)(c), and pursuant to its duty to supplement its responses as necessary, Complainant One Communications submits the following supplemental response to the Department’s First Set of Information Requests.

  
\_\_\_\_\_  
Russell M. Blau  
Harry N. Malone  
Bingham McCutchen LLP  
2020 K Street N.W.  
Washington, D.C. 20006

Counsel for One Communications

Dated: October 21, 2008

**D.T.C. - One Com 1 - 8**

**Identify other jurisdictions where the claims raised in the One Communications Complaint are being litigated. Describe the status of any pending litigation and provide copies of any decisions rendered in those jurisdictions.**

One Communications is litigating similar claims in:

**Maine** (ATC Trunks only); Proceeding suspended pending settlement discussions between One Communications and Fairpoint.

**New York** (ATC Trunks only); Fully briefed, staff is reviewing the record.

**Pennsylvania**; Procedural schedule established; One Communications Direct Testimony filed October 21, 2008; Verizon Direct Testimony due November 25, 2008.

**Vermont** (ATC Trunks only); Parties have settled; Fairpoint has agreed that under its existing tariffs, it will not seek to impose or collect from One Communications intrastate access charges on switched access dedicated trunk ports associated with Access Toll Connecting trunks, and will refund payments, if any, made by One Communications in Vermont. (See attached letter).

Respondent: Paula Foley  
Regulatory Affairs Counsel  
One Communications Corp.



NANCY S. MALMQUIST

October 8, 2008

Mrs. Susan M. Hudson, Clerk  
Vermont Public Service Board  
112 State Street, Drawer 20  
Montpelier, VT 05620-2701

Re: Vermont Public Service Board Docket No. 7407

Dear Mrs. Hudson:

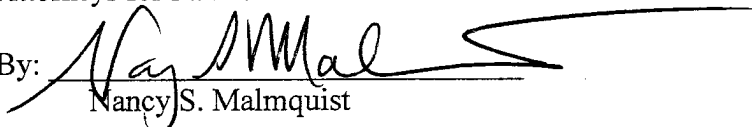
I received on behalf of Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications (“FairPoint Communications”) a memorandum from the Deputy Clerk of the Board requesting a status report with respect to Docket No.7407. In response, last week Michael Burak, counsel to CTC Communications Corp. and Lightship Telecom LLC (collectively, “One Communications”) and I spoke with Ms. Judith C. Whitney, Deputy Clerk of the Board, and confirmed that One Communications and FairPoint Communications have reached a settlement with respect to matters in Docket No. 7407, and expect to file further confirmation with the Board in the next couple of weeks requesting the Board to close the docket.

FairPoint Communications has agreed that under its existing tariffs in Vermont it will not seek to impose or collect from One Communications intrastate access charges on switched access dedicated trunk ports associated with Access Toll Connecting Trunks, and will refund such payments, if any, made by One Communications in Vermont. As discussed with Ms. Whitney, the parties confirm that there is no need to reserve any further hearing dates for this docket. I am filing this letter with the consent of Michael Burak, counsel to One Communications.

Please call me if you have any questions.

Very truly yours,

DOWNS RACHLIN MARTIN PLLC  
Attorneys for FairPoint Communications

By:   
Nancy S. Malmquist

cc: Service List  
Michael J. Morrissey, Esq.

2826372.1

PSB Docket No. 7407 – SERVICE LIST

Parties:

\* John Cotter, Esq.  
Sarah Hofmann, Esq.  
Director for Public Advocacy  
Vermont Department of Public Service  
112 State Street – Drawer 20  
Montpelier, VT 05620-2601

Michael L. Burak, Esq.  
Burak Anderson & Melloni, PLC  
30 Main Street – P.O. Box 787  
Burlington, VT 05401

(For One Communications)

Russell M. Blau, Esq.  
Harry N. Malone, Esq.  
Bingham MCutchen LLP  
2020 K Street, N.W.  
Washington, D.C. 20006

(For One Communications)

Nancy S. Malmquist, Esq.  
Downs Rachlin Martin PLLC  
90 Prospect Street – P.O. Box 99  
St. Johnsbury, VT 05819-0099

(For FairPoint Communications)

Michael J. Morrissey  
Vice President and Assistant General Counsel  
FairPoint Communications  
1 Davis Farm Road  
Portland, ME 04103

\* Notice of Appearance to be filed