



The FairPoint Telephone Companies  
521 East Morehead Street, Suite 250  
Charlotte, NC 28202

June 14, 2010

**Application No. 4**

Ms. Marlene H. Dortch, FCC Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Attn: Wireline Competition Bureau

By Order issued May 10, 2010 in WC Docket No. 10-47, the Commission approved the Petition by China Telephone Company, FairPoint Vermont, Inc., Maine Telephone Company, Northland Telephone Company of Maine, Inc., Sidney Telephone Company and Standish Telephone Company (collectively, "FairPoint") for conversion to price cap regulation and for limited waiver relief, effective July 1, 2010. (*DA 10-802*). Each of these companies is a subsidiary of FairPoint Communications, Inc.

To accomplish this conversion, effective July 1, 2010, FairPoint will be exiting the National Exchange Carrier Association, Inc. (NECA) Tariff FCC No. 5 that currently governs telecommunications services provided to customers served by the FairPoint companies identified above. FairPoint proposes to issue a new tariff to become effective on July 1, 2010, under the name The FairPoint Telephone Companies, Tariff FCC No. 2, to govern the services provided by those same companies.<sup>1</sup> The FairPoint tariff will eliminate material from the NECA tariff that is not applicable to FairPoint's operations and will include various non-substantive changes to reflect the conversion from an association tariff issued by hundreds of telephone operating companies to a stand-alone tariff issued by the FairPoint companies identified above.

The only substantive changes to the tariff are the rate changes that have been made in accordance with the May 10, 2010 FCC order in WC Docket 10-47 referenced above. These changes are indicated with margin notes in the FairPoint proposed tariff.

Pursuant to Sections 61.151 through 61.153 of the Commission's rules, 47 C.F.R. §§61.151-61.153, and as discussed below, FairPoint hereby requests special permission, under which the Commission would grant a limited waiver to the extent required, of Sections 61.52(b)(1), 61.54(b)(2), 61.54(c)(4), 61.54(i) and 61.74 of its rules, 47 C.F.R. §§61.52(b)(1), 61.54(b)(2), 61.54(c)(4), 61.54(i) and 61.74, in connection with FairPoint's issuance of its new tariff, Tariff FCC No. 2.

FairPoint requests a waiver of Section 61.54(b)(2) of the Commission's rules, 47 C.F.R. §61.54(b)(2), to permit it to place the name "The FairPoint Telephone Companies" on the title

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<sup>1</sup> Tariff FCC No. 1, issued by The FairPoint Telephone Companies, contains the rates, terms and conditions for services furnished by Northern New England Telephone Operations, LLC and Telephone Operating Company of Vermont, LLC, which are also subsidiaries of FairPoint Communications, Inc.

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page of the FairPoint tariff and a waiver of 47 C.F.R. §61.52(b)(1) of the Commission's rules, to permit it to place the name "The FairPoint Telephone Companies" on each tariff sheet. Section 61.54(b)(2) requires a carrier to include "the exact name of the carrier" in its tariff and Section 61.52(b)(1) requires the carrier to put the name of the issuing carrier in the upper left hand corner of each tariff page. FairPoint intends to include the exact legal names of the six carriers covered by the FairPoint tariff in the "Issuing Carriers" section of that document. A similar waiver was requested and granted with respect to the carrier name used on Tariff FCC No. 1, issued by the FairPoint Telephone Companies for the operations of two other subsidiaries, Northern New England Telephone Operations, LLC and Telephone Operating Company of Vermont, LLC. A sample title page and the Issuing Carriers page is provided as Attachment A to this letter.

FairPoint requests a waiver of Section 61.54(c)(4) of the Commission's rules, 47 C.F.R. §61.54(c)(4), to permit it to place material from NECA Tariff FCC No. 5 in the FairPoint proposed tariff on pages that are not identical to the NECA tariff page numbers. Section 61.54(c)(4) of the Commission's rules requires changes in and additions to tariffs to be made by reprinting the page upon which the change or addition is made and designating the new page as a revised page cancelling the previous page. Additionally, under this rule, material that is relocated from one page to another must be noted as such on both the old and new page. FairPoint proposes to renumber all pages consecutively to eliminate suffix page numbers and blank tariff pages where all material has been removed. Accordingly, it requests a waiver of Section 61.54(c)(4). The index that is attached hereto as Attachment B and described more fully below will cross reference the NECA Tariff FCC No. 5 page numbers to the corresponding page numbers of the proposed FairPoint tariff.

FairPoint requests a waiver of Section 61.54(i) of the Commission's rules, 47 C.F.R. §61.54(i), to permit it to forego the use of margin notes to indicate non-substantive text changes or moved material in the FairPoint tariff, relative to the NECA tariff, as might otherwise be required by that rule. FairPoint will use margin notes to indicate material that has been substantively changed, as described previously. Other than those substantive changes, FairPoint proposes no new material or substantive revisions to the applicable content of the NECA tariff. Blank tariff pages are being eliminated and pages and subsections renumbered within each section to eliminate suffix pages (e.g., 56.1) and stranded section numbering. Where renumbering results in a change to an internal reference, that internal reference is being edited to match the new subsection numbering.

FairPoint will indicate any subsequent changes to the tariff with appropriate margin notes, except that it will not indicate as reissued unchanged material during the first 30 days following the effective date of the new tariff publication. FairPoint will provide as an Exhibit to its tariff submission an index that cross references sections of the new FairPoint Tariff FCC No. 2 to the NECA Tariff FCC No. 5 and which identifies other non-substantive revisions made to the FairPoint tariff. A sample of this index is provided as Attachment B to this letter.

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FairPoint requests a waiver of Section 61.74 of the Commission's rules, 47 C.F.R. §61.74, to permit it to reference other tariffs, technical documents and certain other documents or instruments that are currently referenced in NECA Tariff FCC No. 5. Section 61.74(a) prohibits a tariff from referencing any other tariff publication or other document or instrument, with certain exceptions that are set forth in Section 61.74 (b)-(e) of the rules. The NECA Tariff FCC No. 5 currently contains references to other NECA FCC tariffs, technical publications, and other documents that may not precisely fit the description of a "technical publication" as set forth in Section 61.74(e) of the FCC rules. Where applicable, the same references will be included in the proposed FairPoint tariff. Accordingly, FairPoint seeks a waiver of Section 61.74 of the Commission's rules, to allow it to carry over the references that are contained in the NECA Tariff FCC No. 5. An example of tariff pages containing such references is included in Attachment C to this letter.

Payment in the amount of \$815.00 has been electronically transmitted to the U.S. Bank, 1005 Convention Plaza, SL-MO-C2-GL, St. Louis, MO 63101, in accordance with the fee program procedures. This transmittal letter and associated attachments and Form 159 are being filed electronically today via the Federal Communications Commission's Electronic Tariff Filing System (ETFS).

Petitions pertaining to this filing may be served by facsimile to:

Mr. Michael T. Skrivan, Vice President - Regulatory  
Telephone (207) 648-3081  
Facsimile: (207) 797-1392

All correspondence and inquiries concerning this Application should be addressed to Sharon Thomas at 407-740-3031 or sthomas@tminc.com, P.O. Box 200, Winter Park, Florida 32790-0200.

Sincerely,

/s/ Sharon Thomas

Sharon Thomas  
Consultant to The FairPoint Telephone Companies.

*Enclosures*

cc: Ms. Barbara Galardo, FairPoint  
File: FairPoint – FCC Access No. 2

## **Attachment A**

ACCESS SERVICE

Regulations, Rates and Charges  
applying to the provision of Access Services  
within a Local Access and Transport Area (LATA) or  
equivalent Market Area for connection to interstate  
communications facilities for Interstate Customers within  
the operating territories of the Issuing Carriers  
listed on Original Page 21.

Access Services are provided by means of wire, fiber optics, radio or any other suitable technology or a combination thereof.

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Transmittal No. 17

Issued: June 16, 2010

Effective: July 1, 2010

Vice President - Regulatory  
521 E. Morehead Street, Suite 500, Charlotte, NC 28202

ACCESS SERVICE

ISSUING CARRIERS

China Telephone Company  
FairPoint Vermont, Inc.  
Maine Telephone Company  
Northland Telephone Company of Maine, Inc.  
Sidney Telephone Company  
Standish Telephone Company

CONCURRING CARRIERS

NO CONCURRING CARRIERS

CONNECTING CARRIERS

NO CONNECTING CARRIERS

OTHER PARTICIPATING CARRIERS

NO OTHER PARTICIPATING CARRIERS

REGISTERED SERVICE MARKS

NONE

REGISTERED TRADEMARKS

NONE

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Transmittal No. 17

Issued: June 16, 2010

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## **Attachment B**

<b>Side-By-Side Comparison of Tariffs for NECA FCC No. 5 to FairPoint FCC No. 2</b>
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The National Exchange Carrier Association, Inc. header was replaced with The FairPoint Telephone Companies header on every page.

Every page is now referenced as Tariff F.C.C. No. 2.

Every page is now an original page and is consecutively numbered with no suffix-numbered pages.

Every page is referenced with TR 17 to represent Transmittal No. 17.

All pages of Tariff F.C.C. No. 2 have a filing date of June 16, 2010 and a July 1, 2010 effective date.

The footer on all pages contains FairPoint's regulatory contact.

All margin symbols and any footnotes related to the symbols have been removed.

Where material has been deleted, subsequent material is moved up rather than leaving space for deleted material.

Sheets that are not listed under the NECA column and appeared in the NECA tariff are considered deleted.

The below comparison is to cover changes to each page that is retained in the FairPoint tariff.

The pages under the NECA heading can be found under the FairPoint heading. If there were no changes, then only page numbers are shown.

NECA Tariff F.C.C. No. 5	FairPoint Tariff F.C.C. No. 2
<u><b>Title Page 1 – Title Page 68</b></u>	<u><b>Title Page 1:</b></u> 1. Updated page numbering and deleted text not related to FairPoint. 2. Deleted list of NECA issuing carriers; FairPoint issuing carriers are listed on page 21.
<u><b>Check Sheets, Pages 1 thru 1.9</b></u>	<u><b>Check Sheet, Page 1</b></u> 1. Revised to indicate original pages filed under Tariff F.C.C. No. 2.
<u><b>Table of Contents, Pages 2 thru 21.1</b></u>	<u><b>Table of Contents, Pages 2 thru 20:</b></u> 1. Updated page numbers and made changes to match sections.
<u><b>Pages 22 – 41, Tariff Users Guide</b></u>	<u><b>Deleted</b></u>
<u><b>Page 42</b></u>	<u><b>Page 21</b></u>
<u><b>Pages 43 thru 44.1</b></u>	<u><b>Pages 22 thru 24:</b></u>
<u><b>Pages 45 thru 51</b></u>	<u><b>Pages 25 thru 32</b></u>
<u><b>Section 1, Page 1-1</b></u>	<u><b>Section 1, Page 1-1</b></u> Application of Tariff; Added Carrier Common Line to 1 <sup>st</sup> paragraph and deleted text not related to FairPoint.
<u><b>Section 2, Pages 2-1 thru 2-19.1</b></u>	<u><b>Section 2, Pages 2-1 thru 2-22</b></u>
<u><b>Section 2, Pages 2-19.2 thru 2-32.1</b></u>	<u><b>Section 2, Pages 2-23 thru 2-40</b></u>



## **Attachment C**

ACCESS SERVICE

REFERENCE TO TECHNICAL PUBLICATIONS (Cont'd)

The following technical publication is referenced in this tariff and may be obtained from the Institute of Electrical and Electronics Engineers, Inc. (IEEE), 445 Hoes Lane, Piscataway, NJ 08854-4141 ([www.ieee.org](http://www.ieee.org)).

IEEE Std. 802.3 - 2005, Information Technology - Telecommunications and Information Exchange Between Systems - Local and Metropolitan Area Networks - Specific Requirements, Part 3: Carrier Sense Multiple Access with Collision Detection (CSMA/CD) Access Method and Physical Layer Specifications, Sections 1 through 5.

The following technical publications are referenced in this tariff and may be obtained from the Alliance for Telecommunications Industry Solutions (ATIS), 1200 G Street N.W., Suite 500, Washington, DC 20005 ([www.atis.org](http://www.atis.org)).

Multiple Exchange Carrier Access Billing (MECAB) Guidelines  
Issued: December 2006

Multiple Exchange Carrier Ordering and Design (MECOD) Guidelines  
Issued: November 2006

The following technical publications are referenced in this tariff and may be obtained from the IP/MPLS Forum, 48377 Fremont Blvd. Suite 117, Fremont, CA 94538 ([www.ipmplsforum.org](http://www.ipmplsforum.org)).

The ATM Forum Technical Committee, ATM User-Network Interface (UNI) Signalling Specification, Version 4.1, af-sig-0061.002, April, 2002.

The ATM Forum Technical Committee, BISDN Inter Carrier Interface (B-ICI) Specification, Version 2.0 (Integrated), af-bici-0013.003, December, 1995.

The ATM Forum Technical Committee, Private Network - Network Interface Specification, Version 1.1 (PNNI 1.1) af-pnni-0055.002, April, 2002.

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