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May 12, 2000

Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

Re: Docket No. 000000-PU; Document No. 05157-00; FairPoint Communications Corp. and ALLTEL Florida, Inc. -- Interconnection Negotiations -- Request to Mediate Pursuant to Section 252 of the Telecommunications Act of 1996

Dear Sir or Madam:

Pursuant to Section 252(a)(2) of the Telecommunications Act of 1996 (the "Act"), FairPoint Communications Corp. ("FairPoint") hereby requests the Florida Public Service Commission ("Commission") to intervene and mediate in the interconnection negotiations between FairPoint and ALLTEL Florida, Inc. ("ALLTEL").

In a letter dated March 15, 2000 to Alfred Busbee, FairPoint submitted to ALLTEL a bona fide request to "commence good faith negotiations for establishing an interconnection agreement" in accordance with the Act. FairPoint's request stated that it desired to reach a mutually acceptable resale and facilities-based interconnection agreement with ALLTEL. FairPoint's bona fide request instructed ALLTEL to acknowledge receipt FairPoint's request, and provide FairPoint a copy of ALLTEL's standard interconnection agreement template and any non-disclosure agreement that ALLTEL might require prior to commencing negotiations (Attachment A). ALLTEL did not acknowledge receipt of the letter as requested, nor did ALLTEL provide any of the requested documentation.

Subsequently in a follow-up letter to Mr. Busbee dated April 24, 2000, FairPoint renewed its bona fide request for an interconnection agreement. Again, FairPoint requested Mr. Busbee to forward a copy of ALLTEL's standard interconnection agreement and non-disclosure agreement (Attachment B).

Finally on April 26, 2000, Mr. Busbee acknowledged receipt of FairPoint's request. However, he stated that ALLTEL viewed it as improper for me to represent FairPoint in any negotiations against ALLTEL. Therefore, he was not in a position to move forward in the requested negotiations unless FairPoint would agree to assign

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- SEC _____
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- OTH _____

6324 Fairview Road ▶ 4th Floor ▶ Charlotte, NC 28210 ▶ phone (704) 414-2500 ▶ fax (704) 414-2501 ▶ www.fairpoint.com

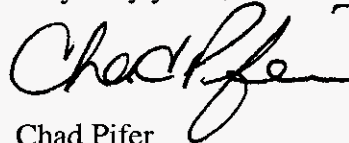
DOCUMENT NUMBER-DATE
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FPSC-RECORDS/REPORTING

another FairPoint negotiator to conduct the negotiations (Attachment C). ALLTEL takes this position simply because I was employed with ALLTEL for four years, and worked in ALLTEL's Interconnection Services division. During this time, ALLTEL and FairPoint became involved in arbitration proceedings in New York. However, I am not involved nor do I have access to the New York proceedings in my current position at FairPoint. Therefore, FairPoint views ALLTEL's delay and request as unfounded. Thus, ALLTEL's delay in providing the requested documentation is viewed by FairPoint as a clear and deliberate violation of the duty to negotiate in "good faith" as imposed by the Act.

In closing, FairPoint reiterates its request for the Commission to mediate the negotiations between FairPoint and ALLTEL. Any assistance in this matter in order to avoid an arbitrated proceeding will be greatly appreciated. However, based on the course of action taken by ALLTEL, it seems, as this point arbitration will be inevitable.

Very truly yours,



Chad Pifer
Regulatory & Interconnection Manager

Attachments

cc: Alfred Busbee (ALLTEL)
Calvin Favors (Florida Public Service Commission)

Attachment A

March 15, 2000 Letter



March 15, 2000

Mr. Alfred Busbee
Staff Manager – Interconnection Services
ALLTEL Comminations, Inc.
One Allied Drive IVN3E
Little Rock, Arkansas 72203

Re: Notice of Bona Fide Request for Interconnection Negotiations

Dear Mr. Busbee:

FairPoint Communications Corp. (“FairPoint”) hereby requests ALLTEL Communications, Inc. (“ALLTEL”), or the appropriate related ALLTEL corporate entity, to commence good faith negotiations for establishing an Interconnection Agreement in accordance with the Telecommunications Act of 1996 (the “Act”). FairPoint seeks to negotiate a detailed facilities based and resale Interconnection Agreement with ALLTEL covering the states of Florida, Georgia, and Ohio.

Currently, FairPoint’s application for certification in the aforementioned states is pending approval. Once the certification process is complete, FairPoint will forward a copy of the certification to ALLTEL. However, in the interim FairPoint requests ALLTEL to commence negotiations relative to the following topics, noting that this list is not exhaustive: general terms and conditions, resale, collocation, unbundled network elements, number portability, ordering and provisioning, rights-of-way, conduit and pole attachments, directories, compensation, and performance measures.

FairPoint understands that either party may request that the appropriate state commission arbitrate any unresolved issues one hundred thirty-five (135) days after ALLTEL has received this Bona Fide Request, pursuant to Section 252(b) of the Act. In order to begin meaningful negotiations before the expiration of the one hundred thirty-five (135) day period, FairPoint requests that ALLTEL provide a *written* response to this Bona Fide Request. Upon receipt of your response, FairPoint would like to arrange with ALLTEL a preliminary schedule of meetings to discuss facilities based and resale interconnection issues. Please forward a copy of ALLTEL’s Interconnection Agreement template and any Non-Disclosure Agreement, which ALLTEL may require upon receipt of this Bona Fide

March 15, 2000

Request. You may forward the requested documents to me at the following email address: cpifer@fairpoint.com.

In the interim, should you have any questions please call me at 704-414-2565.

Sincerely,

A handwritten signature in black ink that reads "Chad Pifer". The signature is written in a cursive, flowing style.

Chad Pifer
Regulatory Manager – Southeast Region

cc: Florida Public Service Commission
Georgia Public Service Commission
Ohio Public Utility Commission

Attachment B

April 24, 2000 Letter



April 24, 2000

VIA FedEx

Mr. Alfred Busbee
Staff Manager – Interconnection Services
ALLTEL Communications, Inc.
One Allied Drive IVN3E
Little Rock, Arkansas 72203

Re: Follow-Up Regarding March 15, 2000 Notice of Bona Fide Request for Interconnection Negotiations

Dear Mr. Busbee:

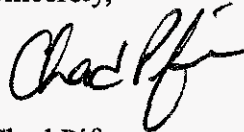
On March 15, 2000, FairPoint Communications Corp. (“FairPoint”) submitted to ALLTEL Communications Service Corporation (“ALLTEL”), or the appropriate related ALLTEL corporate entity, a Bona Fide Request for Interconnection Negotiations in Florida, Georgia and Ohio (see attachment). As of the date of this letter, FairPoint has not received *any* response on the behalf of ALLTEL.

As a follow-up to FairPoint’s initial request, please forward to me ALLTEL’s standard interconnection agreement template. Such template should include the following topics, noting that this list is not exhaustive: general terms and conditions, resale, collocation, unbundled network elements, number portability, ordering and provisioning, rights-of-way, conduit and pole attachments, directories, compensation, and performance measures. Should ALLTEL require a non-disclosure agreement before sending FairPoint the requested information, please forward ALLTEL’s standard non-disclosure agreement to me for review and execution so that we may commence negotiations.

April 24, 2000

You may forward the requested documents to me at the following email address: cpifer@fairpoint.com. In the interim, should you have any questions please call me at 704-414-2565.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Pifer". The signature is fluid and cursive, with the first name "Chad" being more prominent than the last name "Pifer".

Chad Pifer
Regulatory Manager – Southeast Region

cc: Florida Public Service Commission
Georgia Public Service Commission
Ohio Public Utility Commission



March 15, 2000

Mr. Alfred Busbee
Staff Manager – Interconnection Services
ALLTEL Communications, Inc.
One Allied Drive IVN3E
Little Rock, Arkansas 72203

Re: Notice of Bona Fide Request for Interconnection Negotiations

Dear Mr. Busbee:

FairPoint Communications Corp. ("FairPoint") hereby requests ALLTEL Communications, Inc. ("ALLTEL"), or the appropriate related ALLTEL corporate entity, to commence good faith negotiations for establishing an Interconnection Agreement in accordance with the Telecommunications Act of 1996 (the "Act"). FairPoint seeks to negotiate a detailed facilities based and resale Interconnection Agreement with ALLTEL covering the states of Florida, Georgia, and Ohio.

Currently, FairPoint's application for certification in the aforementioned states is pending approval. Once the certification process is complete, FairPoint will forward a copy of the certification to ALLTEL. However, in the interim FairPoint requests ALLTEL to commence negotiations relative to the following topics, noting that this list is not exhaustive: general terms and conditions, resale, collocation, unbundled network elements, number portability, ordering and provisioning, rights-of-way, conduit and pole attachments, directories, compensation, and performance measures.

FairPoint understands that either party may request that the appropriate state commission arbitrate any unresolved issues one hundred thirty-five (135) days after ALLTEL has received this Bona Fide Request, pursuant to Section 252(b) of the Act. In order to begin meaningful negotiations before the expiration of the one hundred thirty-five (135) day period, FairPoint requests that ALLTEL provide a *written* response to this Bona Fide Request. Upon receipt of your response, FairPoint would like to arrange with ALLTEL a preliminary schedule of meetings to discuss facilities based and resale interconnection issues. Please forward a copy of ALLTEL's Interconnection Agreement template and any Non-Disclosure Agreement, which ALLTEL may require upon receipt of this Bona Fide

Request. You may forward the requested documents to me at the following email address: cpifer@fairpoint.com.

In the interim, should you have any questions please call me at 704-414-2565.

Sincerely,

A handwritten signature in black ink that reads "Chad Pifer". The signature is written in a cursive style with a large, prominent "C" and "P".

Chad Pifer
Regulatory Manager – Southeast Region

cc: Florida Public Service Commission
Georgia Public Service Commission
Ohio Public Utility Commission

Attachment C

April 26, 2000 Email

Chad Pifer

From: Chad Pifer
Sent: Thursday, May 11, 2000 3:42 PM
To: 'vcordian@psc.state.fl.us'
Subject: FW: FairPoint & ALLTEL Interconnection Negotiations

Victor-

Per our conversation, here is the series of emails which have taken place between FairPoint and ALLTEL. Note that ALLTEL did not respond to my Bona Fide Request until the second letter was sent on April 24, 2000. Since then the only response ALLTEL has provided has been its determination that it is "improper" and "unethical" for me to be involved in negotiations between FairPoint and ALLTEL. At this point, its FairPoint's determination that ALLTEL actions are clearly in violation of the "good faith" requirement as imposed pursuant to §251(c)(1) Telecommunications Act of 1996.

Any assistance in this matter will be greatly appreciated. FairPoint does not want to get involved in an arbitrated proceeding, however based on the course of action taken by ALLTEL, it seems at this point arbitration will be inevitable.

Sincerely

Chad Pifer

> -----
> Chad Pifer
> Regulatory & Interconnection Manager - Southeast Region
> FairPoint Communications Solutions Corp.
> Phone: (704) 414-2565
> Fax: (704) 414-2505
> Email: cpifer@fairpoint.com
> -----

-----Original Message-----

From: Alfred Busbee [mailto:Alfred.Busbee@alltel.com]
Sent: Wednesday, April 26, 2000 10:08 AM
To: Chad Pifer
Subject: Re: FairPoint & ALLTEL Interconnection Negotiations

Chad,

It is my recollection from our exit interview that your new job responsibilities with FairPoint would not include contract negotiations with ALLTEL given the your access to ALLTEL proprietary and confidential information. As a recent negotiator and account manager for ALLTEL, specifically in a case currently being arbitrated before the NYPSC with your current employer, your position included access to corporate strategy and proprietary network documents. It would seem improper, if not unethical, for you to represent FairPoint in any negotiations with ALLTEL.

Until my counsel has made a determination of whether or not he will contest your involvement in these negotiations, I am not in a position to move forward. I am requesting that FairPoint assign another representative to conduct these negotiations.

Alfred Busbee

Reply Separator

Subject: FairPoint & ALLTEL Interconnection Negotiations

Author: cpifer@fairpoint.com (Chad Pifer) at internet
Date: 4/26/00 8:45 AM

Alfred-

Per our conversation this morning, John LaPenta and I have discussed this "reasonableness" surrounding my participation in the referenced negotiations. FairPoint has determined that there is no reason why I should not conduct the negotiations for the ALLTEL properties, excluding New York and Pennsylvania. With this in mind, please forward to me ALLTEL's standard non-disclosure agreement so that we may begin the negotiation process.

If you have further questions or concerns please contact me at 704-414-2565.

Chad Pifer

> -----
> Chad Pifer
> Regulatory Manager - Southeast Region
> FairPoint Communications Corp.
> Phone: (704) 414-2565
> Fax: (704) 414-2505
> Email: cpifer@fairpoint.com
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