

Date Sent: Monday, March 09, 2009 4:52 PM

231052-67

From: wellis@mcneilvt.com ("William F. Ellis")

To: cburns <cburns@burlingtontelecom.com>,
"Leopold, Jonathan" <jleopold@ci.burlington.vt.us>,
"McNeil, Joseph E." <jmcneil@mcneilvt.com>,
"Schatz, Ken" <kschatz@ci.burlington.vt.us>

Subject: Burlington Telecom/ValleyNet

Dear All,

I spoke with Laura Beliveau at the DPS concerning the status of the ValleyNet proceeding. It appears that the negotiation between ValleyNet, DPS and Comcast/NECTA broke down, and that the DPS and ValleyNet are going to settle between themselves and allow Comcast to try and unravel the deal. Comcast filed a motion to intervene back in October 2008 that has not been acted upon, but was a party to the informal settlement negotiations that have transpired to date. Both ValleyNet and the DPS have opposed Comcast's motion to intervene. It is not clear when ValleyNet and the DPS will file their stipulation, but it could be soon. So, from my perspective, if the City wants to intervene, it should attempt to do so soon.

I also spoke with Laura about Susan Martin's inquiry about the use of GO bonds to complete the build out. Laura didn't believe we could do that without a charter change, but was going to follow up with Susan to see if she had ideas for getting around the charter limitation because of subsequent legislation concerning the VTA. My recollection, however, is that similar limitations are found in the general legislation. I will let you know what I hear.

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237052-67
Date Sent: Monday, March 30, 2009 10:15 AM
From: "Jonathan P.A. Leopold, Jr." <JLeopold@ci.Burlington.vt.us>
To: Amber Thibeault <athibeault@burlingtontelecom.com>,
Christopher Burns <cburns@burlingtontelecom.com>,
Ken Schatz <KSchatz@ci.Burlington.vt.us>,
"William F. Ellis" <wellis@mcneilvt.com>
Subject: RE: ValleyNet

good

>>> "Thibeault, Amber" <athibeault@burlingtontelecom.com> 3/25/2009
9:33 AM >>>
All,

I spoke with Susan Martin at the Department this morning and she informed me that Andy Montroll filed an MOU between the Department and ValleyNet on March 18, 2009. The MOU was supposed to include NECTA as a party but NECTA refused to sign the MOU once it found out ValleyNet would be receiving stimulus money.

As you may know, I contacted Andy Montroll in January and asked him to be included on the service list for any filings made by ValleyNet. He did not include me on the service list thus we were not made aware of the filing.

I have contacted the Board this morning to obtain a copy of this filing and will pass this along as soon as I have the information.

Thank you,

Amber Thibeault

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