

March 5, 2008

VIA HAND DELIVERY & ELECTRONIC MAIL

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: DRM 08-004; Comments of National Grid

Dear Ms. Howland:

In response to the Commission's January 18, 2008 Secretarial Letter seeking comments in the above-captioned proceeding, I am submitting the comments of Granite State Electric Company d/b/a National Grid ("National Grid" or "Company").

National Grid's primary area of concern regarding the proposed rules relates to the broad applicability of the rules as set forth in Puc 1301.02. National Grid believes that the scope of Puc 1301.02(b) exceeds the statutory authority granted to the Commission pursuant to RSA 374:34-a, II insofar as it extends the applicability of the rules beyond applicants who are cable television systems and providers of telecommunications service to "Other persons with facilities attached to such poles, or seeking to attach facilities to such poles." Puc 1301.02(b).

Specifically, RSA 374:34-a, II states:

"Whenever a pole owner is unable to reach agreement with a party seeking pole attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for such pole attachments, **with regard to the types of attachments regulated under 47 U.S.C. section 224**, to provide that such rates, charges, terms, and conditions are just and reasonable. This authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C. section 224(c)."

47 U.S.C. section 224 (4) defines "pole attachment" as any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility. Furthermore, section 224 (5) specifically excludes incumbent local exchange carriers from the term "telecommunications carrier." The proposed rules appear to expand the applicability of the rules to any persons who wish to attach to poles. This is inconsistent with the language of RSA 374:34-a and should be revised in the final rules.

Ms. Debra A. Howland
March 5, 2008
Page 2 of 2

National Grid recommends that the language of Puc 1301.02(b) be revised to mirror the exact language of RSA 374:34-a with regard to applicability.

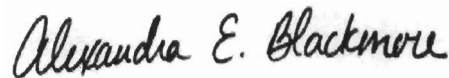
In addition, National Grid has experienced many instances where parties have attached to poles without permission. The Company believes that the rules should explicitly prohibit unauthorized attachments to utility poles. Consequently, National Grid proposes that Puc 1303.03 be revised to include the language in bold below:

Puc 1303.03 Requestor Obligation to Negotiate. A person seeking a pole attachment shall contact the owner or owners of the pole and make a reasonable effort to negotiate an agreement for such attachment. **No attachment shall be made to a pole without prior written consent of the pole owner(s).**

National Grid appreciates the opportunity to provide these comments and looks forward to participating in the rulemaking process.

Respectfully submitted,

Granite State Electric Company
d/b/a National Grid

A handwritten signature in black ink that reads "Alexandra E. Blackmore". The signature is written in a cursive, flowing style.

Alexandra E. Blackmore
Counsel

Enclosures

cc: Service List (via electronic mail)