

**THE STATE OF NEW HAMPSHIRE**  
**PUBLIC UTILITIES COMMISSION**

**DRM 08-127**

**ORDER OF NOTICE**

On September 4, 2009, the Commission voted pursuant to RSA 541-A to initiate a rulemaking for N. H. Admin. Rule Puc 2600, Greenhouse Gas Emissions Reduction Fund. These rules set forth the procedures and standards to be used by the Commission in the administration of the Greenhouse Gas Emissions Reduction Fund, the non-lapsing special fund established pursuant to RSA 125-O:8, II and 125-O:23. These funds will be used to support energy efficiency, conservation and demand response programs to reduce greenhouse gas emissions within the State of New Hampshire. Additionally, the funds will assist low income and other residential electric customers in New Hampshire with reduction of energy use, low income assistance programs and rebate programs. The proposed rule will replace the current Puc 2600, which has been adopted as interim rules effective January 1, 2009 and are due to expire on December 31, 2009.

A rulemaking notice form required by RSA 541-A:6 was filed with the Office of Legislative Services on September 16, 2009. The Notice sets forth a date for the public hearing to be held at the Commission and the deadline for submission of written comments. This notice is appended hereto.

A copy of the Rulemaking Notice will be sent by U.S. Mail to all regulated utilities and to those parties previously requesting notice of rulemakings pertaining to the Greenhouse Gas Emissions Reduction Fund. Pursuant to RSA 541-A:6, III, notice may also be provided by public notice advertisement in a publication of daily statewide circulation.

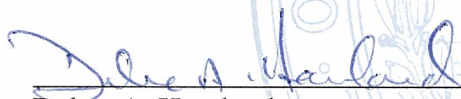
The rulemaking may be viewed on the Commission website, [www.puc.nh.gov](http://www.puc.nh.gov), or copies may be obtained from the Commission as set forth in the Notice.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Public Hearing, pursuant to 541-A:11, be held before the Commission located at 21 S. Fruit St Suite 10, Concord, New Hampshire on October 21, 2009 at 2:00 P.M., and that the deadline for submission of materials in writing or via e-mail shall be October 27, 2009, as set forth in the Notice; and it is

**FURTHER ORDERED**, that pursuant to RSA 541-A:6,III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than October 7, 2009, in a newspaper with a daily statewide circulation, publication to be documented by affidavit filed with the Commission on or before October 21, 2009.

By order of the Public Utilities Commission of New Hampshire this eighteenth day of September, 2009.

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

APPENDIX II-C

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_ Rule Number Puc 2600

<p>1. Agency Name &amp; Address:</p> <p><b>Public Utilities Commission</b>  <b>21 South Fruit Street</b>  <b>Suite 10</b>  <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <b>RSA 125-O:8, II,</b>  <b>RSA 125-O:23</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>  X  </u></p>
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5. Short Title: **Puc 2600 – Greenhouse Gas Emissions Reduction Fund**

6. (a) Summary of what the rule says and the effect of the rule on those regulated: **Puc 2600 provides for the administration of the greenhouse gas emissions reduction fund, the non-lapsing special fund established pursuant to the mandate of RSA 125-O:8, II and 125-O:23. The rules establish a process whereby the Commission can issue requests for proposal to solicit bids for programs for energy efficiency, energy conservation and greenhouse gas emission reduction. These rules represent a readoption with amendment to the interim rules which are in place and expire on December 31, 2009, pursuant to Chapter 86 of the NH Revised Statutes Annotated, HB 229 (2009).**

6. (b) Brief description of the groups affected: **Puc 2600 affects those persons seeking use of monies from the greenhouse gas emissions reduction fund such as private entities, state agencies, and other local and governmental agencies and instrumentalities.**

APPENDIX II-C (Continued)

**RULEMAKING NOTICE FORM - Page 2**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Puc 2601.01	RSA 125-O:8, II; RSA 125-O:23
Puc 2601.02	RSA 125-O:8, II; RSA 125-O:23, II
Puc 2602.01	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:21, II
Puc 2602.02	RSA 125-O:8, II; RSA 125-O:23; RSA 155-D:2, II
Puc 2602.03	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.04	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.05	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.06	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:2, IV
Puc 2602.07	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.08	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.09	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.10	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.11	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.12	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.13	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.14	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.15	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:20, XII
Puc 2602.16	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.17	RSA 125-O:8, II; RSA 125-O:23
Puc 2603.01	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:23, III
Puc 2604.01	RSA 125-O:8, II; RSA 125-O:23
Puc 2604.02	RSA 125-O:8, II; RSA 125-O:23
Puc 2604.03	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:23, VII
Puc 2605.01	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:23, IV
Puc 2605.02	RSA 125-O:8, II; RSA 125-O:23, V
Puc 2605.03	RSA 125-O:8, II; RSA 125-O:23; IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Suzanne Amidon**  
Address: **21 South Fruit Street**  
**Suite 10**  
**Concord, NH 03301**

Title: **Staff Attorney**  
Phone #: **603-271-6616**  
Fax#: **603-271-3878**  
E-mail: **suzanne.amidon@puc.nh.gov**  
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 27, 2009**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **October 21, 2009 at 2:00 P.M.**

Place: **Public Utilities Commission**

**21 South Fruit Street, Suite 10**

**Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:170 dated September 9, 2009

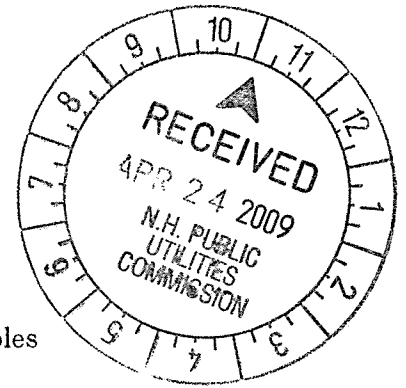
11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and does not apply to any political subdivision and therefore do not violate Part I, Article 28-a.**

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket DT 08-146

segTEL, Inc.

Request for Arbitration Regarding Access to Utility Poles



LANDOWNER NOTIFICATION

Property located at

Map Number:

Block Number:

Lot ID (if applicable)

Landowner of Record for the above-named property:

PLEASE TAKE NOTICE that you are receiving this Landowner Notification because your rights and interests as the record owner of the private property identified above may be affected by the outcome of this proceeding now pending before the New Hampshire Public Utilities Commission (the "Commission"). This notice is being provided to you because town property tax records identify you as the owner of the property. IF YOU ARE NOT THE CURRENT OWNER OF THIS PROPERTY, YOU ARE REQUESTED TO PLEASE NOTIFY THE COMMISSION'S EXECUTIVE DIRECTOR, IDENTIFIED BELOW IMMEDIATELY SO THAT THIS NOTIFICATION CAN BE DIRECTED TO THE CURRENT OWNER.

EXPLANATION OF COMMISSION PROCEEDING

The pending proceeding involves a request made by segTEL, Inc. ("segTEL"), a competitive local exchange carrier in New Hampshire, for permission to attach and run fiber optic telecommunications cable on certain utility poles owned by Public Service Company of New Hampshire ("PSNH"), a New Hampshire electric utility. The approximately 100 utility poles involved are part of a 34,500 volt (34.5 kV) PSNH power line which runs through a 100 foot wide PSNH right-of-way corridor on private property in the Towns of Sunapee and New London, New Hampshire. It has been determined that your property is one of the properties where part of the PSNH right-of-way corridor is located. One or more of the utility poles involved may also be situated within the PSNH right-of-way on your property.

The fiber optic cable which segTEL wishes to install is for telecommunications purposes, will be owned, operated and maintained by segTEL, and will be used entirely by segTEL in its business of providing telecommunications and information services. segTEL's use will be entirely independent of PSNH's use of PSNH's poles and the right-of-way for PSNH's electric utility business.

The questions before the Commission include whether PSNH owns and controls rights under its private property easements in question pursuant to applicable federal and state law sufficient to allow segTEL's installation, whether segTEL is required to obtain new easements or other rights from affected private property owners independent from PSNH's rights for segTEL's installation and use, whether private property easements originally granted for electrical distribution are compatible with the installation of fiber optic facilities, how PSNH's federal and state law obligations to provide access to companies such as segTEL must be interpreted in light of private property matters, and whether the language of any pre-existing easements expressly allow or prohibit PSNH's ability to grant licenses for attachments of this sort. The Commission has determined to take jurisdiction of the matter under its jurisdictional authority to hear and resolve complaints against public utilities under NH RSA 365:1 and regarding pole attachment matters under NH RSA 374:34-a.

segTEL and PSNH have been directed to file briefs addressing the following issues:

1. Whether the underlying easements provide PSNH with the authority necessary to grant segTEL a license to attach to its poles in this matter;
2. Whether PSNH has a legal obligation to grant segTEL a license to attach to the poles regardless of whether or not PSNH has sufficient authority under the easements.
3. Is segTEL obligated, pursuant to Section 6.2 of the Pole Attachment Agreement, to obtain authorization to construct, operate and/or maintain wires on the poles at issue from the owners of the land where the poles are located

## YOUR RIGHTS

The Commission has determined that, because of the issues raised in this proceeding regarding the intent, scope and permissible uses of PSNH's existing easement rights on your property, you have a right to notice of this proceeding and an opportunity to be heard. You will automatically be deemed a party upon receipt by the Commission of written notice from you or your representative that you wish to participate. You shall be permitted to submit briefs on the issues in this docket identified above, and to otherwise fully participate in all aspects of the proceeding as a party. You do not need to be represented by a lawyer to intervene as a party, or to provide your comment. Your written notice of intent to participate must be received by the Commission by May 15, 2009, and should be mailed to the Commission, to the attention of Executive Director Debra A. Howland, at the address below. Please include the docket number "DT 08-146" on all correspondence.

The Commission has established May 15, 2009, as the deadline for filing briefs and June 10, 2009, for reply briefs. If you choose to participate, you may submit a brief or written comments on or before May 15, 2009, or a reply brief, on or before June 10, 2009.

A copy of the tax maps that outline segTEL's proposed route for its fiber installation is on file in the offices of the Public Utilities Commission. All public material related to this proceeding is also available on the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2008/08-146.htm>

Dated: \_\_\_\_\_, 2009

NEW HAMPSHIRE PUBLIC UTILITIES  
COMMISSION

By: Debra A. Howland /s/  
Debra A. Howland, Executive Director  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429