

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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February 9, 2009

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



Re: DT 08-146 segTEL, Inc. Request for Arbitration

Dear Ms. Howland:

On February 3, 2009, the Commission conducted a prehearing conference in the above-referenced docket. Parties and Staff conducted a technical session on the same date. Participants included representatives from segTEL, Inc., Public Service Company of New Hampshire (PSNH), Unitil Energy Systems, Inc.¹ and Staff.

Participants agreed that settlement is unlikely in this matter at this time, and that arbitration is not appropriate. Rather, the case should be treated as a petition for dispute resolution under Puc 1304.02, 1304.03 and Puc 203. They further agreed that, although a stipulation of facts between the parties may be premature, the following documents are relevant to this docket and should be admitted as full exhibits:

1. Pole Attachment Agreement (Appendix I to Objection to Request for Arbitration and Motion to Dismiss); (PSNH to file attachments)
2. segTEL, Inc.'s Applications for License to Attach to PSNH utility poles in Sunapee and New London, NH (to be filed by parties);
3. Letter from PSNH to segTEL, Inc., dated August 6, 2008 (Attachment 1 to segTEL, Inc.'s petition); and

¹ Unitil Energy Systems, Inc. is not a named party but has filed a Motion to Intervene seeking full intervenor status in this matter. At the prehearing conference, Parties and Staff indicated that they did not object to the Motion to Intervene.

4. Documents recorded at county registry or registries establishing utility easements for the utility poles at issue in this matter (to be filed by PSNH).²

Participants agreed to the following proposed procedural schedule:

1. Feb. 11, 2009 Data requests due via electronic service;
2. Feb. 23, 2009 Responses to data requests due via electronic service;
3. Feb. 27, 2009 10:00 a.m. technical session to establish remainder of procedural schedule;
4. Late March 2009 Tentative proposed date for public hearing, if necessary.

Finally, the parties also agreed that further development of the procedural schedule should occur only after the commission has issued a decision on PSNH's pending motion to dismiss and motion to strike segTEL's objection to the motion to dismiss that was untimely filed. Should the commission's decisions on PSNH's motions result in a continuance of the proceedings in this docket, the participants agreed that the current property owners of the real estate subject to the easements should be identified and given not less than 30 days advance notice of this proceeding and an opportunity to participate, and to provide comments to the commission at a public hearing to be held at a location to be determined.

Sincerely yours,



Robert D. Hunt
Staff Attorney

cc: Service List

² Participants assumed that the commission will provide any and all requisite notice and opportunity to be heard to persons with an interest in the real estate subject to these easements.