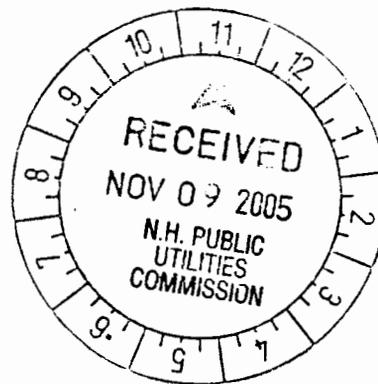


Via First Class Mail

segTEL, Inc.

November 7, 2005

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



Re: DM 05-172 Investigation into Utility Poles

Dear Ms. Howland:

Enclosed for filing please find an original and eight (8) copies of segTEL, Inc.'s Motion to Clarify Scope of Investigation.

Lastly, also enclosed is an additional copy to be date stamped and returned in the self-addressed, stamped envelope provided.

If you have any questions please do not hesitate to contact me.

Respectfully Submitted,


Jeremy L. Katz
SegTEL, Inc.
PO Box 369
Enfield, NH 03748
603-643-5883 x105

cc: DM 05-172 Service List

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

Docket No. DM 05-172

**Investigation of the Installation, Maintenance
and Shared Use of Utility Poles**

Motion to Clarify the Scope of the Investigation

segTEL, Inc. (segTEL) hereby requests that the New Hampshire Public Utilities Commission (Commission) clarify the scope of the docket which it recently opened commencing a formal investigation in connection with certain issues concerning the installation, maintenance, and shared use of utility poles. In support of this motion segTEL states as follows:

1. By Order of Notice dated October 24, 2005 the Commission opened a formal investigation in connection with certain issues concerning the installation, maintenance, and shared use of utility poles. The Commission set November 7, 2005 as the deadline to file petitions to intervene in the docket. segTEL has filed a petition to intervene with the Commission.

2. In the Order of Notice the Commission described the scope as follows: “the Commission will investigate issues related to, *inter alia*, joint ownership of poles by electric and telecommunications utilities; pole installations, replacements, and removals; response time to customer requests for service; maintenance obligations and related safety concerns; emergency response; tree trimming; private property construction charges and multiple attachments.”

3. In the Order of Notice the Commission cited an October 20, 2005 memorandum from the Staff outlining the scope and nature of complaints received from customers and utilities. In that Memorandum Staff said that the Commission should address barriers to competition caused by difficulties and delays reported by customers who choose to purchase telephone service from competitive local exchange carriers (CLECs). The Staff also recommended that the Commission review pole attachment practices and consider how the competitive market is impacted by such practices.

4. segTEL recommends that the Commission, as part of its investigation in this docket, review relevant CLEC experiences with both electric company and Verizon pole attachment practices and consider how the competitive market is affected by these practices. Specifically, the review should consist of whether the practices engaged by the custodial parties are just and reasonable pursuant to sections 224 and 703 of the 1996 Act, whether the practices of survey, make-ready, licensing, and billing for pole attachments complies with the FCC regulations regarding these actions, whether the any utility is recovering more than their fully allocated cost in violation of the Act, and whether the custodial parties apply their policies on a non-discriminatory basis. As all prospective attachers to jointly-held poles must license with both the electric company as well as Verizon segTEL believes it is important that all custodial practices be investigated within this docket and not only Verizon's.

5. These issues are of importance to segTEL and to CLECs in New Hampshire and also important to the development of the competitive market in New Hampshire.

6. Because the parties to this docket have not yet been determined segTEL has not attempted to obtain concurrence to this motion. It has, however, as noted below, sent copies to the service list which the Commission is using in this docket.

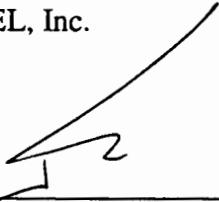
WHEREFORE, segTEL respectfully requests that the Commission:

- A. Grant segTEL's Motion to clarify the scope of this docket; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

segTEL, Inc.

By

A handwritten signature in black ink, appearing to read 'Jeremy Katz', is written over a horizontal line. The signature is stylized with a long, sweeping upward stroke on the left side.

Jeremy Katz

Vice President and Chief Executive Officer

Dated: November 7, 2005

Certificate of Service

A copy of this Motion has been served by email this 7th day of November, 2005 to the service list in DM 05-172.