

MURTHA CULLINA LLP

A T T O R N E Y S A T L A W

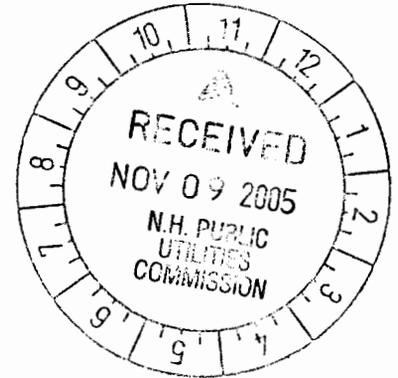
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November 4, 2005

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

Re: Investigation of the Installation, Maintenance, and
Shared Use of Utility Poles
Docket - DM 05-172



Dear Ms. Howland:

Enclosed in the above matter please find an original and eight copies of Petition to Intervene of New England Cable and Telecommunications Association, Inc. ("NECTA").

I certify that a copy hereof has been furnished on this date via first class mail, postage prepaid, to all parties, intervenors and participants of record as evidenced on the Commission's service list as of this date.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "RJM".

Robert J. Munnely, Jr.

RJM/mb

Enc.

cc: William Durand

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fiber optic and coaxial cables, the majority of which are attached to solely- and jointly-owned utility poles.

3. NECTA has on many occasions represented the interests of its members as a party in proceedings conducted by the Commission and other utility commissions in the New England states and by the Federal Communications Commission, including many proceedings relating to access by cable operators to utility poles needed to install and maintain their cables and associated equipment and pole attachment rates, terms and conditions.

4. On October 24, 2005, the Commission issued the Notice indicating that it is opening a formal investigation pursuant to RSA 365:5 in connection with certain issues concerning the installation, maintenance, and shared use of utility poles, as outlined in a Commission Staff memorandum of October 20, 2005. Specifically, in this proceeding 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.

INTERVENTION REQUEST

5. NECTA members typically obtain access to jointly- and solely- owned utility poles pursuant to pole attachment agreements that specify the terms and conditions of attachment, including respective rights and obligations of the pole owners and cable operators concerning many of the issues addressed in the notice, including access to newly installed poles, transfers of cables from existing poles to replacement poles, tree

trimming and maintenance obligations, and emergency procedures. Furthermore, NECTA members pay rent for attachments under federal law based on the pole owners' costs and also are responsible for paying costs associated with certain utility work on utility poles relating to the cable operator's attachments. All of these rates, terms and conditions issues with respect to cable operator access to utility poles may be affected directly or indirectly by the resolution of issues raised in this docket. As such, the legal rights, duties, and privileges of NECTA and its members are substantially and specifically affected by issues concerning the installation, maintenance, and shared use of utility poles raised in this docket.

6. Moreover, NECTA, as a trade association, can represent the interests of its members in an efficient and coordinated manner. To the extent that NECTA members participate individually in this docket, NECTA will seek to coordinate its presentations with its members so as to avoid unnecessary duplication.

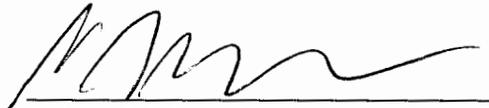
7. NECTA has not yet determined the extent of its participation in this docket. NECTA reserves rights to participate fully by attending hearings and technical sessions, presenting evidence, cross-examining witnesses, and presenting oral and written argument if necessary to protect its interests.

CONCLUSION

Accordingly, for the foregoing reasons, the Commission should grant the petition of NECTA to intervene as a party in this proceeding.

NEW ENGLAND CABLE AND
TELECOMMUNICATIONS
ASSOCIATION, INC.

By its attorneys,



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