

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. DT 07-011

DIRECT TESTIMONY  
OF  
JULIA GRIFFIN, TOWN MANAGER

ON BEHALF OF MUNICIPALITY OF HANOVER, NEW HAMPSHIRE, INTERVENOR

JULY 20, 2007

My name is Julia Griffin. I am the Town Manager for the Town of Hanover.

Educational and Professional Background:

B.A. Government, Wesleyan University

M.A. International Relations, Yale University

MPPM Management, Yale School of Management

1984-85 Budget Analyst, Office of Management & Budget, City of New York

1985-1990 Senior Management Analyst, City Manager's Office, Santa Monica, CA

1990-1992 Assistant City Manager, Concord, NH

1992-1996 City Manager, Concord, NH

1996-Present Town Manager, Hanover, NH

Describe Current Duties for the Town:

As Town Manager for the Town of Hanover, I am the Chief Executive Officer. I supervise the day-to-day operations of the nine functional areas, including Administrative Services, Assessing, Management Information Systems, Planning & Zoning, Libraries, Public Works, Police, Fire, and Recreation and Parks. I report to a five member Board of Selectmen and also coordinate the work of several operating Boards and Commissions.

Purpose of Testimony:

My testimony serves to discuss concerns that the Town has regarding FairPoint's proposed acquisition of Verizon's assets in New Hampshire, including land lines, poles and optical fiber to the premises ("FiOS"), and to offer additional information to support these concerns. These concerns include management of the public rights of way; pole licensing;

reserved municipal space on poles jointly or solely to be owned by FairPoint; improved communications between the Town and FairPoint; improved responsiveness by FairPoint on construction, repair, emergency response, and pole setting; and deployment of fiber to the premises.

**Management Issues in Right-of-way:**

The Town has the exclusive right to manage the right-of-way by law. We are concerned that current problems working with utilities will worsen after FairPoint acquires the poles, lines, and equipment. Verizon is responsible for pole setting in Hanover. In the past, there has been a long-standing problem with excessive time intervals needed by utility companies, especially Verizon, to complete pole work. When communicating with Verizon, often Town officials are dealing with someone who can't make decisions or commitments for the company. When Verizon employees have attended our meetings, their response is that the Town should just work around the poles. This has become a standard practice for the Town of Hanover whether or not Verizon advises the Town to do so because of the unreliability of Verizon to complete pole work. Hanover has had to relocate sewers, drains, water mains, sidewalks, and intersections around poles that Verizon could or would not move. Sometimes, the Town has waited for years for poles to be removed. Even when we do receive a commitment from Verizon to do pole work, we never receive a schedule or time frame.

For example, there were problems with Verizon at the new water treatment facility project. Verizon intended to installed larger poles without notice of the new size or the location, without inquiry as to existing conditions on site, and failed to obtain pole licenses for the new poles prior to installation. The new project resulted in a reorganization of the site, including

Town relocation of drain lines, sewer mains, and water mains. If the Town's construction crew has not been present when Verizon showed up to do their work, their intended new pole locations would have caused substantial damage as those locations conflicted with newly installed underground infrastructure. Verizon now has two sets of poles in this area as many of the older poles remain with telephone and cable wires still intact and the new poles continue to be unlicensed. Hanover has received no indication that Verizon plans to transfer the wires and remove the old poles.

In another example, the Town advised Verizon that their poles would need to be relocated approximately three years before scheduled work commenced to construct a roundabout at the intersection of Reservoir and Lyme Roads. Verizon failed to respond. Due to their lack of response, Hanover was forced to modify the intersection plan to accommodate a pole residing in the middle of the roundabout and an existing utility structure adjacent to the roadway.

**Unlicensed Poles:**

Historically, Verizon has set many poles without obtaining licenses from the Town pursuant to RSA 231:161, and many poles in Hanover are unlicensed. This complicates plowing the roads after snow fall, because unlicensed poles are often closer to the road than they should be. When the poles are damaged by snowplows Verizon attempts to blame the Town and collect repayment, but we routinely decline those requests.

Pole placement also impacts road and sidewalk construction. In one example, Hanover's Howe Library was undergoing expansion and renovations. It took 18 months for Verizon to move the necessary poles which physically blocked a sidewalk. This resulted in the need to

install a temporary sidewalk and corresponding warning signage. The Town received hundreds of complaints from pedestrians, but we were powerless to do anything about it. Verizon was unresponsive to the Town's needs.

Unlicensed poles also tend to be too close to drainage courses. This has resulted in overwhelmed drainage systems and damages to the structural integrity of the poles. Costly repairs are required from Verizon, and service interruptions occur for customers. The Town has also incurred expenses to repair water, sewer, and drain lines

Unlicensed poles can also be too close to existing poles, and all poles set immediately adjacent to existing poles are unlicensed. The right-of-way frequently becomes overly congested with the placement of so many duplicate poles, causing unsightly pole conglomerations that can sometimes obscure the driver's view at critical intersections. Hanover is often unaware when Verizon places new poles, and it has been impossible to determine what poles are unlicensed because Verizon has failed to provide the Town with its pole inventory. Hanover was forced in the summer of 2006 to hire a seasonal employee to complete a pole inventory for the Town. We counted 2,800 poles within our jurisdiction and are currently in the process of determining which poles are unlicensed.

Existing Network:

Hanover possesses records of pole and conduit licenses dating back to 1910. Some of these licenses reserved municipal space. Starting in 1941, all underground conduit licenses and many pole licenses included a requirement that space be reserved for municipal fire, police, telephone, and telegraph use. The conduit licenses also permit the Town to install fiber in the telephone conduit without charge.

Hanover has an extensive municipal fire-alarm cable network and continues to install such cable when new facilities require connection. The fire-alarm network is placed 40 inches below power lines and is at least 14 feet from the ground. Any repairs or maintenance is completed according to the International Municipal Signal Association. Transfers occur in a timely fashion by request of National Grid. Hanover has not been required to seek approval for the fire-alarm network, and it has not paid any fees to do so.

Hanover also maintains a municipal fiber communication network. Hanover was not required to obtain utility approval for this network and its expansions. Hanover has been permitted to attach without agreement or fee for many years. Neither has Hanover been asked to pay make-ready or survey costs to attach to poles or in the conduit.

The Town of Hanover provides usage of the right-of-way to utility companies without payment. Therefore, it seems unfair that Verizon could then charge the Town for attaching to the poles placed in public spaces

Fiber to the Premises:

The Town of Hanover is home to a great many high-tech, research institutions and others that rely on up-to-the-minute telecommunications. The Town is concerned that FairPoint has not provided sufficient commitments to deploy and maintain expanded optical fiber facilities necessary for the fastest telecommunications.

Conclusions:

Hanover recommends that the Commission require as condition of approval of the proposed transaction that FairPoint:

- (1) must be properly staffed and sufficiently funded in areas of pole maintenance and related functions (RSA 231:177 requires a utility to move a pole upon 10 days written notice);
- (2) clearly identify staff, provide contact information to allow municipalities access to the proper individuals for pole work scheduling, and attend a pre-construction season meeting to review all work planned in each community;
- (3) identify the location of all poles to permit proper managements of the right-of-way, including up-to-date maps that indicate the location of each pole and buried utility to be provided to municipalities that are updated annually;
- (4) effectively enforce pole-licensing requirements and reserve space for governmental purposes on all poles; and
- (5) expand the fiber to the premises program initiated by Verizon to bring the state of New Hampshire up to state-of-the-art standards in telecommunications.