

STATE OF NEW HAMPSHIRE
Before the
PUBLIC UTILITIES COMMISSION

LIGHTOWER FIBER NETWORKS —
LICENSES BY NOTIFICATION PURSUANT TO RSA 371:17-b

CRS _____

Request for Licenses by Notification

Lightower Fiber Networks I, LLC and Lightower Fiber Networks II, LLC (collectively, “Lightower”) respectfully request pursuant to RSA 371:17-b that the Commission issue permanent licenses for Lightower’s facilities that cross rivers, streams, other water bodies, and lands owned by the state in New Hampshire as of the effective date of the statute, June 19, 2013.

The facilities for which Lightower requests licenses are set forth on the following lists:¹

- Lightower Water Body Crossings
- Lightower River Crossings
- Lightower Land Crossings
- Lightower Railroad Crossings

Explanatory Notes

1. Source of GIS Data. Lightower’s lists contain detailed latitude/longitude coordinates identifying the crossings set forth on the attached lists. These coordinates were derived from spatial GIS data in a recognized software application, Pitney Bowes MapInfo Professional.

¹In an accompanying motion, Lightower requests confidential treatment for the specified lists. Accordingly, the lists are being filed in a separate, sealed envelope.

Each of the lists was derived using data layers within MapInfo Professional that identify particular types of geographic features. The layers used were:

- For Lighttower Water Body Crossings: “Waterbodies” layer
- For Lighttower River Crossings: “Rivers” layer
- For Lighttower Land Crossings: “Landuse” layer
- For Lighttower Railroad Crossings: “Railroads” layer

2. Pole Numbers. Lighttower is confident that the coordinates set forth on the list are extremely accurate and will enable the Commission, if desired, to locate Lighttower’s facility crossings with a high degree of precision.² However, the lists do not contain the identification numbers of the utility poles proximate to the crossings. While Lighttower’s data systems, coupled with the data layers in the MapInfo program, are capable of precisely mapping the spatial locations of its facilities, its systems do not contain data points specifying the numbers on individual utility poles. To match the computerized GIS data to specific poles would require a painstaking manual effort. The amount of work required is compounded by the historical nature of the data at issue. Given that Lighttower’s crossings lists contain over 600 data points, to cross-reference and include specific pole locations would require an intense manual effort that Lighttower estimates would require a month or more of work — if it could be performed in a complete and comprehensive manner at all.

None of the crossings contained in Lighttower’s lists involved construction of new pole lines, erection of new poles, or placement of new conduit. All of the listed facilities were attached to existing poles or placed in existing conduit, pursuant to licenses obtained from the pole or

² If the Commission has other GIS databases that it prefers to use and can make available, Lighttower would be willing to re-run its analyses using such data.

conduit owner. The agreements with pole and conduit owners uniformly require that the attachments be made and the facilities be maintained in accordance with the National Electrical Safety Code and/or other safety and performance standards, and Lightower's facilities comply with those standards. Lightower's compliance with these standards minimizes any risk from its facilities, and, further, any such risks are no greater than those posed by any other attachments.

Lightower respectfully suggests that the effort required to identify and list the specific utility poles associated with each crossing far outweighs the benefits to be gained from the Commission obtaining that information. The GIS data that Lightower is supplying will enable the Commission to precisely locate any of the facilities on the list. The Commission's legitimate concerns with the safety of Lightower's attachments may be satisfied by the requirement that Lightower attach and maintain its facilities in accordance with applicable safety codes, and Lightower's compliance with those requirements. In short, the cost of providing specific pole identifications for each crossing greatly exceeds the likely benefit.

3. Water Bodies. The MapInfo Water Bodies layer includes some rivers, e.g., the Merrimack, as well as lakes and ponds. Further, the layer is capable of providing specific coordinates for the banks of water bodies. Accordingly, Lightower has provided coordinates of the banks of such water bodies where its facilities cross, grouping the coordinates of such crossings by shading rows on the attached spreadsheet.

4. Rivers and Streams. The MapInfo Street Pro Rivers layer returns only one data point per river and stream crossing. Accordingly, Lightower has provided only one latitude/longitude point per river crossing.

As noted above, however, the MapInfo Waterbodies layer includes certain rivers. Lightower has relied on the program's categorizations of water bodies and rivers. Where rivers

are categorized as water bodies, the program permits identification of points on either side of the crossing, and Lightower has included such data when available.

5. Lands. Lightower used the MapInfo Landuse layer without further modification to identify lands owned by the state. Lightower is unaware of another efficient method to identify state-owned lands. Lightower listed the properties that the application's Landuse layer identified, even at the risk of overinclusion. As noted above, if the Commission has alternate source of GIS data, that would be practical to use to identify state-owned lands, Lightower would be willing to work with the Commission to refine the list.

6. Railroad Crossings. Lightower understands that numerous railroad rights-of-way in New Hampshire are state-owned, while some are privately owned. However, the MapInfo program's Railroads layer identifies nearly all railroad ways crossed by Lightower facilities as owned by the Boston and Maine. Lacking another practical way to identify with precision the ownership of the railroad lines under particular crossings, Lightower has listed such crossings even if it results in overinclusion.

Further, like the Rivers layer, the MapInfo program's railroads layer contains only one latitude/longitude coordinate per crossing. Given that railroad rights of way typically are narrow, the provision of one data point allows the location of the crossing highly accurately.

Conclusion

RSA 371:17-b provides that, upon receipt of the enclosed lists, “no further inquiries or investigations by the commission shall be undertaken and the commission shall issue a final license.” Accordingly, Lightower requests licenses for all crossings represented on the accompanying lists.

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By its attorney,



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