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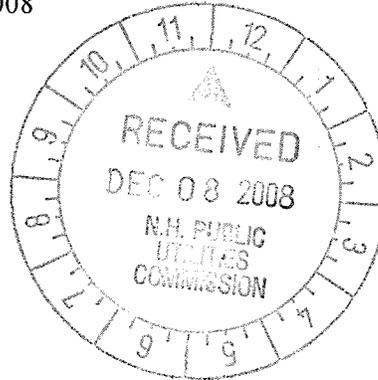
A T T O R N E Y S

DONAHUE, TUCKER & CIANDELLA, PLLC

Please Respond to the Exeter Office

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December 5, 2008



VIA E-MAIL AND REGULAR MAIL

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

Re: DRM 08-004 Utility Pole Attachments – Request for Advance Public Comment on Subject Matter of Possible Rulemaking

Dear Ms. Howland:

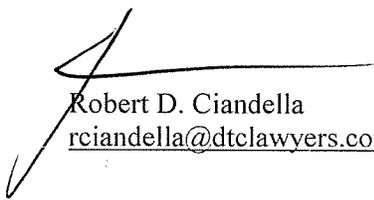
Enclosed for filing with the Commission please find an original and seven (7) copies of the comments of our Firm on behalf of the intervening municipalities, submitted in connection with the above docket.

Please date-stamp the enclosed extra copy of the letter and return it to us in the enclosed return envelope.

A copy of the foregoing has been forwarded this date to the persons listed on the service list.

Yours truly,

DONAHUE, TUCKER & CIANDELLA, PLLC


Robert D. Ciandella
rciandella@dtclawyers.com

/la
enclosures

cc: Service List

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December 5, 2008

Lynn Fabrizio, Esquire
Staff Attorney/Hearings Examiner
New Hampshire Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301-2429

Re: DRM 08-004

Dear Lynn:

This follows on the technical session of 21 November 2008. This states below language we believe staff should consider for the proposed rule which was discussed at the technical session.

Staff should consider including the following language, which is drawn from Rule 3.701(C) of the Rules of the Vermont Public Service Board:

“Except as specifically provided, nothing in this rule shall be construed to supersede, overrule or replace any applicable safety code (including the National Electric Safety Code [NESC]) or safety rules, OSHA regulation, or any other law or regulation, or any tariffs or protocols approved by the commission, nor the reasonable engineering standards and good faith work practices of any attaching entity or pole owner.”

We also recommend staff consider modifying the term “governmental entities” as it appears at PUC 1302.01 in the following manner:

“ . . . governmental entities acting for any non-governmental purpose. For purposes of these rules, a governmental purpose means an attachment which shall be used solely and exclusively for governmental purposes, meaning non-commercial and non-retail communication purposes, including, but not limited to, interconnection of facilities used to deliver governmental administrative services, emergency management services and functions, and public safety services and functions.”

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December 5, 2008

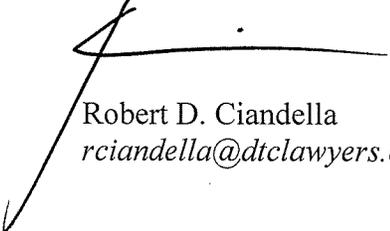
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Finally, at the technical session we referenced Paragraph 93 of FCC 01-170, FCC Consolidated Partial Order on Reconsideration, In the Matter of Amendment of Rules and Policies Governing Pole Attachments, and in the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996.

Thank you for your attention and cooperation.

Yours truly,

DONAHUE, TUCKER & CIANDELLA, PLLC



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RDC:la

cc: Service List
Katherine B. Miller, Esq.