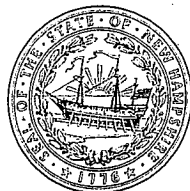


STATE OF NEW HAMPSHIRE



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November 23, 2009

Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: Revised Objection for Final Proposal 2009-79

Dear Commissioners:

At its meeting on September 3, 2009, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, IV, to enter a preliminary objection to Final Proposal 2009-79 containing rule Puc 1300 from the Public Utilities Commission (Commission) on utility pole attachments. The objection was based on Committee staff comments and public testimony to the Final Proposal, including issues of statutory authority. Public testimony included written and oral testimony received for the August 20, 2009 and September 3, 2009 Committee meetings. The Commission responded with a letter dated October 16, 2009 and an amended rule dated October 15, 2009.

At its meeting on November 19, 2009, the Committee voted, pursuant to RSA 541-A:13, V(d), to enter a revised objection to your preliminary objection response for Final Proposal 2009-79. The revised objection was based on Committee staff comments, and on oral public testimony from FairPoint, to certain rules in the preliminary objection response, as follows:

- Committee staff comments to:
  - Puc 1301.01;
  - Puc 1303.04;
  - Puc 1304.05; and
  - Puc 1304.06(a)(1) and (2), also applied to Puc 1304.06(b)(1) and (2); and
- Fair Point testimony to:
  - Puc 1303.04, in that the new sentence in the objection response was unclear when read with the sentences after it;
  - Puc 1303.06(b)(1) and (2), in that the word "materially" was unclear;
  - Puc 1303.07(a), in opposition to deleting from the objection response the text regarding the "SR 1421 *Blue Book Manual of Construction Practices, Issue 4*";
  - Puc 1303.07(c), in that the amended language in the objection response was unclear;
  - Puc 1303.09, Puc 1303.10, and Puc 1303.11, on the grounds as stated in the testimony to the same text in the Final Proposal; and

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- Puc 1303.12, in opposition to deleting from the objection response the language on prepayments.

A copy of the preliminary objection response with all of the Committee staff's annotations is enclosed. A copy of FairPoint's written testimony to the Final Proposal is also enclosed, as filed with JLCAR on or about September 6, 2009 after a copy was obtained from the Commission. A transcript of FairPoint's oral testimony, delivered on August 20, 2009, and an excerpt of the transcript of the JLCAR meeting on September 3, 2009 covering this matter were both part of the preliminary objection and are enclosed. A copy of the portion of the transcript of the November 19, 2009 Committee meeting addressing the preliminary objection response for Final Proposal 2009-79 will be sent to you as soon as it is available.

You may respond to the Committee's revised objection by amending the rules in the preliminary objection response to resolve the bases for objection, by withdrawing the rules, or by making no changes. You are required to respond in writing to the Committee's revised objection within 45 days of the date on which it was made, which was November 19, 2009. In this instance, the 45<sup>th</sup> day is January 3, 2010, which is a Sunday. Pursuant to RSA 541-A:16, IV, the deadline will be extended to Monday, January 4, 2010.

After the Committee has received your response, the Committee may take further action ranging from approval of the objection response to voting to support the sponsorship of a joint resolution to address the issues remaining with the proposal. Pursuant to RSA 541-A:13, VII(b), the Committee will have up to 50 days after the end of your response period to take action concerning a joint resolution, although the Committee can take action prior to that date. In this instance the 50<sup>th</sup> day is February 23, 2010. Please note that there is no deadline by which the Committee must act to approve the rules or to enter final objections, and the Committee may do so even after you adopt the rules.

Please be advised that, pursuant to RSA 541-A:14, I, you may not adopt the rules until one of the following has occurred: 1) the expiration of the objection response review period without the Committee having taken action with respect to voting to support the sponsorship of a joint resolution; or 2) the Committee has taken action that is specifically in lieu of voting to support the sponsorship of a joint resolution.

If you have any questions concerning the provisions in RSA 541-A relative to objections, responses, or adoptions, please call me at 271-3680.

Sincerely,



John E. Lucas  
Committee Attorney

Enc.

cc: ✓ Lynn Fabrizio, Esq., Staff Attorney  
Richard W. Head, Esq., Sr. Asst. A.G., DoJ