

THE STATE OF NEW HAMPSHIRE

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July 20, 2010

Re: DT 08-146, segTEL, Inc.
Request for Arbitration Regarding PSNH's Denial of Access to Utility Poles

To the Parties:

On June 4, 2010, the Commission issued Order No. 25,109, denying in part and granting in part segTEL's motion for rehearing in the above-captioned proceeding. In pertinent part, rehearing was granted on the interpretation of the word "intelligence" as used in private easements granted to PSNH as the owner of utility poles located on private land in New London and Sunapee, New Hampshire. On July 7, 2010, segTEL and PSNH filed a settlement agreement that proposes a means to conclude the proceeding,

The parties reached agreement on a proposed disposition of the proceeding. segTEL agreed to withdraw its application for access to attach fiber optic cables to the 101 poles owned by PSNH in New London and Sunapee at issue in this docket. PSNH, in turn, agreed to refund to segTEL the amounts segTEL had remitted as advance payment for field survey work. Fundamentally, segTEL and PSNH seek a result in which no dispositive ruling is made at this time on the substantive issue concerning the conveyance language contained in the later deeds – that is, the interpretation of "intelligence" as used in the deeds. Both parties agree that a final determination of the substantive issue raised would require introduction of additional evidence and testimony, as well as further legal briefing, and that there is no need for the Commission to render a decision as the controversy at issue is mooted.

The Commission has determined that, in light of the agreement between the parties, an interpretation of the word "intelligence" as used in certain easements is no longer required and thus the dispute at issue in this proceeding is moot. Therefore, the settlement agreement is accepted as filed, the hearing scheduled for July 27, 2010 is cancelled, and the docket is closed without further action taken on the issue set for rehearing.

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director