

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-007

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Request to Construct and Maintain Fiber Optic Cable
Over and Across Public Waters**

NOTICE OF ORDER NO. 25,419

September 27, 2012

SUMMARY OF ORDER

On January 11, 2012, New Hampshire Optical Systems, Inc. (NHOS) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables over and across the six bodies of public waters listed below, located in eight New Hampshire towns. According to the petition, all of the proposed crossings will be placed between existing utility poles in existing public rights-of-way.

The crossings are located as follows:

- Gilsum: The Ashuelot River crossing parallels the easterly side of the Gilsum Road bridge (Route 10) in the vicinity of Centennial Road, between electric Poles 29/139 and 29/140.
- Sullivan: The Ashuelot crossing parallels the southerly side of Route 10 in the vicinity of Mack Road, between electric Poles 29/159 and 29/160.
- Marlow: The Ashuelot crossing parallels the easterly side of Route 10/123 in the vicinity of Washington Pond Road, between electric Poles 3/7 and 3/8.
- Lempster: The Dodge Brook crossing parallels the easterly side of Route 10 near the intersection of Dodge Hollow Road and Hamlin Road, between electric Poles 13/105 and 13/106; the Giles Brook crossing parallels the easterly side of Route 10 near Brook Road, between electric Poles 13/7 and 13/7.5; the Babb Brook crossing parallels the easterly side of Route 10 near Brook Road, between electric Poles 13/4 and 13/5.

- Sunapee: The Sugar River crossings parallel the northerly side of Route 11 near the intersection of Sleeper Road and Riverside Drive, between electric Poles 30C/7 and 30C/8; and the easterly side of the Sunapee Lake Road bridge near Main Street and Chase Street, between electric Poles 4X/2 and 4X/3.
- Enfield: The Mascoma River crossing parallels the westerly side of Shaker Hill Road bridge in the vicinity of Main Street and Depot Street, between electric Poles 31/1 and 31/2.
- Goshen: The Sugar River crossing parallels the easterly side of Route 10 in the vicinity of Mummy Road East, between electric Poles 27/176.5 and 27/177.
- Newport: The Sugar River crossing parallels the easterly side of Route 10/103 in the vicinity of a former functioning dam and spillway north of the intersection of Laurel Street and River Street, between electric Poles 216A/4A and 34/1.

The petition, subsequent docket filings, and a copy of the entire Order are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-007.html>.

Staff reviewed the petition and conducted discussions with NHOS, then subsequently filed two memoranda finding that the proposed construction and designs conform with applicable sections of the NESC. Staff recommended approval of NHOS's petition, subject to certain conditions related to ensuring the safe operation and maintenance of the proposed crossings.

Based on the information presented in NHOS's petition and Staff's memoranda, the Commission finds the proposed crossings necessary for NHOS to meet the reasonable requirements of reliable service to the public within NHOS's authorized service territory, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters. The petition is therefore approved on a *nisi* basis, subject to the conditions recommended by Staff, and contained in the full Order found at the link noted above.

All persons interested in responding to this Order *Nisi* may submit comments or file a written request for a hearing which states the reason and basis for a hearing no later than October

15, 2012 for the Commission's consideration; and any party interested in responding to such comments or request for hearing shall do so no later than October 22, 2012. This Order *Nisi* shall be effective October 29, 2012, unless the Petitioner fails to satisfy the publication obligation set forth in the full order the Commission provides otherwise in a supplemental order issued prior to the effective date.