

THE STATE OF NEW HAMPSHIRE

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June 4, 2012

Debra A. Howland – Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit St. Suite 10
Concord NH 03301



Re: DT 12-084 Time Warner Entertainment, L.P. d/b/a Time Warner Cable
Petition for Resolution of Dispute with Public Service of New Hampshire
Report of Technical Session

Dear Ms. Howland:

Following the May 24, 2012 pre-hearing conference in this matter representatives of Time Warner Entertainment, L.P. d/b/a Time Warner Cable (Time Warner), Public Service of New Hampshire (PSNH), Comcast Cable Communications Management, LLC, Comcast of New Hampshire, Inc., Comcast of Massachusetts/New Hampshire, LLC and Comcast of Maine/New Hampshire, Inc., segTEL, Inc. (segTEL), Unitil Energy Systems, Inc. (Unitil) and Staff met in a technical session. As part of that session, the participants agreed to certain recommendations for this case and on a proposed schedule for the Commission's consideration.

Initially, during the pre-hearing conference the Commission requested clarification on whether this matter is governed by the 180 day, or 360 day, timeframe set out in 47 U.S.C. § 224 regarding state authority over the rates, terms and conditions for pole attachments. All participants agreed that for purposes of this case, a scheduling order of the Commission setting the timeframe at 360 days would be treated as "rules and regulations" sufficient to apply the 360 day period under the statute. In addition, Time Warner as the petitioning entity agreed that it would waive any right it might have pursuant to the statute to require adherence to the 180 day timeframe. Accordingly, the participants request that in any order on the schedule, the Commission adopt and apply the 360 day timeframe.

Also, during the pre-hearing conference the Commission requested clarification on its jurisdiction over this matter and arguments were advanced on that issue. In addition, Time Warner agreed to provide the Commission with the documents filed in the federal court on the issue of jurisdiction. The participants request that the Commission, as soon

as is practicable, issue an order on the Commission's jurisdiction and the scope of this matter. In that there was no dispute that the Commission would have jurisdiction over the prospective setting of pole attachment rates, the proposed schedule in this case concerns primarily that issue. The participants have committed to conferring, within two weeks of an order on jurisdiction, on possible modifications to the proposed schedule should the Commission conclude that it will assume jurisdiction of both the historic law and rule interpretation and contract dispute, as well as the prospective setting of pole attachment rates.

Subject to the above clarifications and presuming the Commission grants the above request to apply the 360 day timeframe, the participants propose the following schedule for this proceeding:

- 6/8/12 – PSNH and Unitil will provide calculations and supporting documentation demonstrating the derivation of the currently effective pole attachment rates
- 7/16/12 or within two weeks of a Commission order asserting jurisdiction over the historic issues, whichever is later, Time Warner and PSNH shall provide a stipulation of facts relating to the historical aspects of the dispute
- 7/20/12 – Testimony from attaching entities
- 8/3/12 – Data requests on attaching entity testimony
- 8/17/12 – Objections and responses to data requests
- 9/14/12 – Testimony from pole owners
- 9/28/12 – Data requests on pole owner testimony
- 10/12/12 – Objections and responses to data requests
- 10/31/12 – Reply testimony of attaching entities
- 11/7/12 – Technical session in lieu of discovery
- 11/14 and 11/15/12 – Hearing on the merits
- 12/21/12 – Briefs
- 1/11/13 – Reply briefs (10 page maximum)

Staff also notes that on May 29, 2012, Time Warner withdrew its objections to the requests to intervene from segTEL and Unitil. Thank you for your consideration of the issues contained in this report. Please contact me if you have any questions.

Sincerely,



Matthew J. Fossum
Staff Attorney