

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION  
DT 07-011

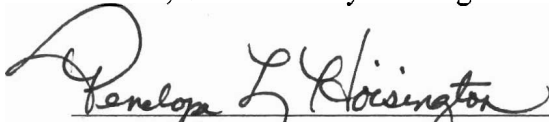
Verizon New England and FairPoint Communications

**AFFIDAVIT OF JULIA GRIFFIN**

I, Julia Griffin, having been duly sworn, do hereby depose and say:

1. My direct testimony in this matter and the Data Responses of the Municipal Intervenor, Town of Hanover, to the Data Requests posed by segTEL, were prepared under my direction, subject to the objections posed by legal counsel for the Town to segTEL 1-1 and segTEL 1-4, and to the best of my knowledge are truthful and accurate.

Further, the affiant sayeth naught.


  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Julia Griffin

STATE OF NEW HAMPSHIRE  
COUNTY OF Grafton, ss.

On this the 31<sup>st</sup> day of October, 2007, before me, Sue Girouard, the undersigned officer, personally appeared Julia Griffin, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within affidavit and swore to me that the facts contained in said affidavit are true and accurate to the best of her knowledge and belief.

In witness whereof, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public/ Justice of the Peace  
**SUE E. B. GIROUARD, Notary Public**  
My Commission Expires September 22, 2009

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October 31, 2007

Debra A. Howland, Executive Director & Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301

RE: VERIZON NEW ENGLAND INC. AND FAIRPOINT COMMUNICATIONS, INC. Joint Application for Approvals Related to Verizon's Transfer of Property and Customer Relations to Company to be Merged with and into FairPoint Communications, Inc., DOCKET NO. DT-07-011

Dear Ms. Howland:

This letter is to inform the Commission that the Town of Hanover and segTEL have agreed to stipulate to the admissibility of the prefiled testimony of Julia Griffin (premarked as Joint Municipalities Exh. 1P) and the Town of Hanover's responses to segTEL's data requests 1-4 (premarked as segTEL Exh. 2), without the need for cross examination at the hearing. Attached to this letter please find segTEL Exh. 2, which includes a copy of the Affidavit of Julia Griffin indicating that her testimony and the responses to data requests were prepared by her or under her supervision and are truthful and accurate. An original version of this Affidavit will be filed by Mr. Ciandella in the next day or two.

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Respectfully submitted,

Scott Sawyer

cc: Email service list

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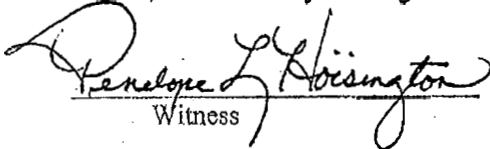
Verizon New England and FairPoint Communications

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1. My direct testimony in this matter and the Data Responses of the Municipal Intervenor, Town of Hanover, to the Data Requests posed by segTEL, were prepared under my direction, subject to the objections posed by legal counsel for the Town to segTEL 1-1 and segTEL 1-4, and to the best of my knowledge are truthful and accurate.

Further, the affiant sayeth naught.

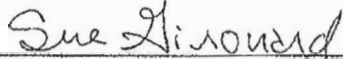
  
Witness

  
Julia Griffin

STATE OF NEW HAMPSHIRE  
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In witness whereof, I hereunto set my hand and official seal.

  
Notary Public/ Justice of the Peace  
SUE E. B. GIROUARD, Notary Public  
My Commission Expires September 22, 2009



New Hampshire Public Utilities Commission  
Verizon New England, Inc.  
Docket No. DT 07-011

Answers of Municipal Intervenor Hanover  
to Data Requests of segTEL

**QUESTIONS FOR TOWN OF HANOVER:**

segTel 1-1            Please refer to your testimony at page 3 where it states “The Town has the exclusive right to manage the right-of-way by law.” Please state in detail the basis for this assertion. Please identify and provide a copy of all rules, ordinances, statutes or other documents that you rely on to support your statement.

**The Town of Hanover (“Town”) previously objected to this request to the extent it sought a legal response or analysis. Without waiving that objection, the Town provides the following response:**

**The Town relies upon RSA 231:160, 161 and 163, pertaining to its exclusive authority over the erection of poles and the issuance of pole licenses, RSA 41:8 and RSA 49-D:3, I (a), pertaining to its exclusive authority to manage the right-of-way, and RSA 21-P:39, regarding its emergency management functions. Copies of those statutes are set out below.**

RSA 231:160 Authority to Erect.

Telegraph, television, telephone, electric light and electric power poles and structures and underground conduits and cables, with their respective attachments and appurtenances may be erected, installed and maintained in any public highways and the necessary and proper wires and cables may be supported on such poles and structures or carried across or placed under any such highway by any person, copartnership or corporation as provided in this subdivision and not otherwise.

RSA 231:161 Procedure.

Any such person, copartnership or corporation desiring to erect or install any such poles, structures, conduits, cables or wires in, under or across any such highway, shall secure a permit or license therefor in accordance with the following procedure:

## I. Jurisdiction

(a) Town Maintained Highways. Petitions for such permits or licenses concerning town maintained highways shall be addressed to the selectmen of the town in which such highway is located; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

(b) City Maintained Highways. Petitions for such permits or licenses concerning city maintained highways shall be addressed to the board of mayor and aldermen or board of mayor and council of the city in which such highway is located and they shall exercise the powers and duties prescribed in this subdivision for selectmen; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

(c) State Maintained Highways. Petitions for such permits or licenses concerning all class I and class III highways and state maintained portions of class II highways shall be addressed to the commissioner of transportation who shall have exclusive jurisdiction of the disposition of such petitions to the same effect as is provided for selectmen in other cases, and also shall have like jurisdiction for changing the terms of any such license or for assessing damages as provided herein. The commissioner shall also have the same authority as conferred upon the selectmen by RSA 231:163 to revoke or change the terms and conditions of any such license. The commissioner is hereby authorized to delegate all or any part of the powers conferred upon him by the provisions of this section to such agent or agents as he may duly appoint in writing; he shall cause such appointments to be recorded in the office of the secretary of state, who shall keep a record thereof.

(d) The word "selectmen" as used in the following paragraphs of this section shall be construed to include all those having jurisdiction over the issuance of permits or licenses under paragraph I hereof.

II. Permits. The petitioner may petition such selectmen to grant a permit for such poles, structures, conduits, cables or wires. If the public good requires, the selectmen shall grant a permit for erecting or installing and maintaining such poles, structures, conduits, cables or wires. Such permit shall designate and define in a general way the location of the poles, structures, conduits, cables or wires described in the petition therefor. Such permit shall be effective for such term as they may determine, but not exceeding one year from the date thereof, and may, upon petition, be extended for a further term not exceeding one year. A permit shall not be granted to replace an existing utility pole on any public highway unless such replacement pole is

erected at least 20 feet from the surfaced edge or the edge of public easement therein, provided, however, that for good cause shown the selectmen may waive the 20-foot requirement.

III. Effect of Permit. Except as otherwise provided herein, the holder of such permit shall during the term thereof be entitled to have and exercise all the rights, privileges and immunities and shall be subject to all the duties and liabilities granted or imposed hereby upon the holder of a license hereunder.

IV. Licenses. The petitioner may petition such selectmen to grant a license for such poles, structures, conduits, cables or wires. If the public good requires, the selectmen shall grant a license for erecting and installing or maintaining the poles, structures, conduits, cables or wires described in the petition.

V. Provision of Licenses. The selectmen in such license shall designate and define the maximum and minimum length of poles, the maximum and minimum height of structures, the approximate location of such poles and structures and the minimum distance of wires above and of conduits and cables below the surface of the highway, and in their discretion the approximate distance of such poles from the edge of the traveled roadway or of the sidewalk, and may include reasonable requirements concerning the placement of reflectors thereon. Such designation and definition of location may be by reference to a map or plan filed with or attached to the petition or license.

VI. Effect of License. All licenses granted under the provisions hereof shall be retroactive to the date the petition therefor is filed. The word "license" as hereinafter used herein, except in RSA 231:164 shall be construed to include the word "permit". The holder of such a license, hereinafter referred to as licensee, shall thereupon and thereafter be entitled to exercise the same and to erect or install and maintain any such poles, structures, conduits, cables, and wires in approximately the location designated by such license and to place upon such poles and structures the necessary and proper guys, cross-arms, fixtures, transformers and other attachments and appurtenances which are required in the reasonable and proper operation of the business carried on by such licensee, together with as many wires and cables of proper size and description as such poles and structures are reasonably capable of supporting during their continuance in service; and to place in such underground conduits such number of ducts, wires and cables as they are designed to accommodate, and to supply and install in connection with such underground conduits and cables the necessary and proper manholes, drains, transformers and other accessories which may reasonably be required.

231:163 Changes.

Any such licensee or any person whose rights or interests are affected by any such license may petition the selectmen for changes in the terms thereof; and after notice to the parties and hearing, the selectmen may make such alterations therein as the public good requires. The selectmen, after notice to any such licensee and hearing, may from time to time revoke or change the terms and conditions of any such license, whenever the public good requires.

RSA 41:8 Election and Duties.

Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases.

RSA 21-P:39 Local Organization for Emergency Management.

I. Each political subdivision of the state shall establish a local organization for emergency management in accordance with the state emergency management plan and program. Each local organization for emergency management shall have a local director who shall be appointed and removed by the county commissioners of a county, the city council of a city, or board of selectmen of a town, and who shall have direct responsibility for the organization, administration and operation of such local organization for emergency management, subject to the direction and control of such appointing officials. Each local organization shall have jurisdiction only within its respective political subdivision, and the director appointed by that political subdivision shall be responsible to his or her appointing authority. The appointing authority may appoint one of its own members or any other citizen or official to act as local director and shall notify the state director in writing of such appointment. If a local director is removed, the state director shall be notified immediately. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized.

II. Until a local director has been appointed, the chief elected official shall be directly responsible for the organization, administration, and operation of such local organization for emergency management.

III. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political



subdivision may exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds.

IV. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may meet at any place within or without the territorial limits of such political subdivision and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary location or locations of such government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision, but shall be within this state.

**segTEL 1-2**            Please refer to your testimony at page 4 where it discusses pole licenses. Please provide a copy of all town ordinances, agreements, procedures, forms and any other documents that describe the license procedures that utilities are to follow in Hanover.

**The Town has no special ordinances, agreements, procedures, forms or other documents that describe the license procedures utilities are to follow. The Town follows the procedures outlined in RSA Chapter 231, as provided in response to segTEL 1-1.**

**segTEL 1-3**            Please refer to your testimony at page 5 where it states “The conduit licenses also permit the Town to install fiber in the telephone conduit without charge.” Please provide a copy of such license. When did the Town insert language in the conduit licenses to permit the Town to install fiber in telephone conduit without charge?

**Provided separately are representative copies of conduit licenses from 1941, 1980 and 2000 showing the referenced language. This language appeared in licenses throughout this period and was not inserted by the Town after the licenses were issued.**

segTEL 1-4

Please refer to your testimony at page 6 where it states “Hanover also maintains a municipal fiber connection network. Hanover was not required to obtain utility approval for this network and its expansion.” Please state in detail the basis for your assertion that Hanover was not required to obtain utility approval for this network and its expansion. Please identify and provide a copy of all statutes, ordinances, rules, opinion letters, contracts, agreements and other documents that you rely on to support your statement that Hanover was not required to obtain utility approval.

**The Town previously objected to this request to the extent it sought a legal response or analysis. Without waiving that objection, the Town provides the following response:**

**The Town relies upon the statutes cited in response to segTEL 1-1, the licenses, representative samples of which are provided in response to segTEL 1-3, and the following order of the Federal Communications Commission (“FCC”) regarding over-lashing optical fiber to the existing alarm cable attachments, to upgrade its emergency management capabilities: Report and Order, In the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996, FCC Docket No. 97-151. A copy of that Report and Order is submitted separately.**

**Kate Miller**

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**From:** Scott Sawyer [sasawyer@cox.net]  
**Sent:** Wednesday, October 31, 2007 2:40 PM  
**To:** Fabrizio, Lynn; smbaldwin@comcast.net; sbosley@nc.rr.com; dbrevitz@cox.net; ibew2320erickson@verizon.net; cjohnson@globe.com; karen.m.melanson@verizon.com; Price, Ted; scott.j.rubin@gmail.com; fcoolbroth@devinemillimet.com; whamilton@aarp.org; Shoer, Alan; Ben Thayer; smwoodland@ch.cityofportsmouth.com; Stacey\_Parker@cable.comcast.com; jamesg\_white@cable.comcast.com; thansel@covad.com; mclancy@covad.com; klk@curtisthaxter.com; srockefeller@curtisthaxter.com; katwood@devinemillimet.com; Patrick C. McHugh; Robert D. Ciandella; Kate Miller; Sdandle@dsccorp.com; scnelson@gsinet.net; rburton@nh.gov; wleach@fairpoint.com; slinn@fairpoint.com; aprior@fairpoint.com; rtulk@fairpoint.com; rtuttle@fairpoint.com; pfundstein@gcglaw.com; matthews@gcglaw.com; alexandra.blackmore@us.ngrid.com; crand@gstnetworks.com; bstafford@gstnetworks.com; skline@granitenet.com; organize2320@verizon.net; kbarker@kelleydrye.com; antonuk@libertyconsultinggroup.com; mike@iainc.mv.com; charlesking@optonline.net; vickroy@libertyconsultinggroup.com; steven.camerino@mclane.com; sarah.knowlton@mclane.com; rmunnelly@murthalaw.com; rmihalic@murthalaw.com; nbrockway@aol.com; kaufmanh@nhcc.com; c\_miller@ncia.net; dfeltes@nhla.org; Carmody, Jody; Chattopadhyay, Pradip; Gage, Josie; Goyette, David; Ross, F. Anne; merle2101@yahoo.com; jcilley@aol.com; jclark@nhaficio.org; alinder@nhla.org; Bailey, Kate; Noonan, Amanda; OMarra, Jody; Hatfield, Meredith; Hollenberg, Rorie; Martin, Christina; Traum, Ken; Foley, Paula; Njacobson@onecommunications.com; gkennan@onecommunications.com; gent@otel.us; pphillips@ppeclaw.com; eatongm@nu.com; hybscrt@psnh.com; nolinka@nu.com; allwacj@nu.com; rustyb313@verizon.net; agree@metrocast.net; mcrothfelder@rothfelderstern.com; cpollart@rubinrudman.com; jeremy@segtel.com; Kath Mullholand; kforbes@shaheengordon.com; mjohnston@shaheengordon.com; asaunders@shaheengordon.com; amandl@smithduggan.com; brian@destek.net; jmonahan@dupontgroup.com; dwinslow@utel.com; epler@unitil.com; sheila.gorman@verizon.com; ellen.m.cummings@verizon.com; victor.delvecchio@verizon.com; john.f.nestor.iii@verizon.com; alan.s.cort@verizon.com; June.Tierney@state.vt.us; karen.potkul@xo.com

**Subject:** Re: DT 07-011, Prefiled testimony of Julia Griffin; segTEL Exh. 2

**Attachments:** Howland letter regarding Prefiled Testimony of Julia Griffin and Town of Hanover's Responses to segTEL Data Requests1.doc; segTEL Exh. 2.pdf

Attached please find a letter to the Commission indicating that the Town of Hanover and segTEL have come to an agreement that Ms. Griffin's prefiled testimony (premarked as Joint Municipalities Exh. 1P) and the Town of Hanover's responses to segTEL's data requests (premarked as segTEL Exh. 2P) will be admitted into the record as evidence without the need for cross examination. Also attached is an electronic version of what has been premarked as segTEL Exh.2P.

Thank you.

Scott Sawyer