

THE STATE OF NEW HAMPSHIRE

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May 31, 2019

Pamela Hollick
Associate General Counsel
CenturyLink
4625 W. 86th St., Suite 500
Indianapolis, IN 46268

Re: DT 19-076 CenturyLink Request for Waiver of N.H. Code Admin.
Rules Puc 804.01 (a) through (e)

Dear Ms. Hollick:

On April 8, 2019, CenturyLink¹ filed a request for waiver of N.H. Code Admin. Rules Puc 804.01 (a) through (e), pursuant to Puc 201.05. CenturyLink stated that the rules require a monthly report of probable violations of the Underground Utility Damage Prevention Program and/or damages to underground facilities, and reports are required even for those months when there are no violations or damages to report. CenturyLink asserts that it has less than two miles of underground network and contends that the monthly no damage report is onerous.

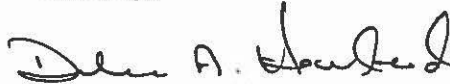
Puc 201.05 permits the Commission to grant a waiver when it serves the public interest, taking into account whether the rule would be onerous or inapplicable given the circumstances, or if the purpose is satisfied by an alternative method. CenturyLink contends that filing reports only if damage occurs will satisfy the purpose of the rule and requested that the Commission grant a waiver from the filing of monthly no-damage reports.

On April 22, 2019, Commission Staff filed a memorandum noting that the purpose of the Puc 800 rules for the Underground Damage Prevention Program is to protect the public, operators, and excavators from physical harm, damages, and interrupted service resulting from damage to underground facilities. Staff stated that all operators of underground facilities must be registered with the One Call center, also known as Dig Safe, and the Commission ensures compliance with that requirement by maintaining its own records of operators of underground facilities. Staff recommended that the Commission grant a partial waiver, removing the requirement to file monthly no-damage reports only, but maintaining the remaining requirements of Puc 804.01.

¹ CenturyLink filed on behalf of affiliates Broadwing Communications, LLC, CenturyLink Communications, Global Crossing Local Services, Inc., Global Crossing Telecommunications, Inc., Level 3 Communications, LLC, Level 3 Telecom Data Services, LLC, and WiTel Communications, LLC.

The Commission has reviewed CenturyLink's waiver request and Staff's memorandum, and has accepted Staff's recommendation in part, granting CenturyLink a waiver from the requirement to make monthly no-damage reports related to the Underground Damage Prevention Program. The Commission will instead require CenturyLink to file an annual report listing the damage reports made during the calendar year, or specifying that there were no damage reports for the year. Reports for each calendar year shall be filed with the Safety Division no later than March 31 of the following year. The remaining requirements of Puc 804.01 will still apply.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being more prominent.

Debra A. Howland
Executive Director

cc: Docket File
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