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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

October 6, 2020 - 10:09 a.m.

[Remote Hearing conducted via Webex]

RE: DT 20-104
TOWN OF DURHAM PUBLIC WORKS, et al:
Complaint by Town of Durham Public
Works, City of Dover, City of
Portsmouth, City of Somersworth,
Town of Newmarket, Town of Exeter,
and Town of Newington Against
Consolidated Communications of
Northern New England, LLC, d/b/a
Consolidated Communications-NNE.
(Prehearing conference)

PRESENT: Chairwoman Dianne Martin, Presiding
Cmsr. Kathryn M. Bailey
Cmsr. Michael S. Giaimo

Jody Carmody, Clerk
Eric Wind, PUC Remote Hearing Host

APPEARANCES: **Reptg. Consolidated Communications of**
Northern New England:
Patrick C. McHugh, Esq.
Sarah Davis, Esq.

Reptg. the Town of Durham:
Richard K. Reine, Public Works Director
Michael Lynch, *former* Public Works Dir.

Reptg. the City of Dover:
Joshua Wyatt, Esq.
John Storer, Public Works Director

Court Reporter: Steven E. Patnaude, LCR No. 52

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APPEARANCES: (C o n t i n u e d)

Reptg. the City of Portsmouth:
Suzanne Woodland, Esq. (Dep. City Atty.)
Peter Rice, Director of Public Works

Reptg. the City of Somersworth:
Michael J. Bobinsky, Public Works Dir.

Reptg. the Town of Newington:
Joseph H. Driscoll, Esq. (Mitchell Mun.)
Paul Deschaine

Reptg. the Town of Exeter:
Jennifer Perry, Public Works Director

Reptg. Residential Ratepayers:
Christa B. Shute, Esq.
Office of Consumer Advocate

Reptg. PUC Staff:
David K. Wiesner, Esq.
Eric Wind, Esq.
Kath Mullholand, Director/Regulatory
Innovation & Strategy

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P R O C E E D I N G

1
2 CHAIRWOMAN MARTIN: We're here this
3 morning in Docket DT 20-104 for a prehearing
4 conference regarding the complaint by the Town of
5 Durham Public Works, City of Dover, City of
6 Portsmouth, City of Somersworth, Town of
7 Newmarket, and Town of Exeter against
8 Consolidated Communications.

9 Because this is a remote hearing, I
10 need to make some required findings.

11 As Chairwoman of the Public Utilities
12 Commission, I find that due to the State of
13 Emergency declared by the Governor, as a result
14 of the COVID-19 pandemic, and in accordance with
15 the Governor's Emergency Order Number 12,
16 pursuant to Executive Order 2020-04, this public
17 body is authorized to meet electronically.
18 Please note that there is no physical location to
19 observe and listen contemporaneously to this
20 hearing, which was authorized pursuant to the
21 Governor's Emergency Order.

22 However, in accordance with the
23 Emergency Order, I am confirming that we are
24 utilizing Webex for this electronic hearing. All

1 members of the Commission have the ability to
2 communicate contemporaneously during this
3 hearing, and the public has access to
4 contemporaneously listen and, if necessary,
5 participate.

6 We previously gave notice to the public
7 of the necessary information for accessing the
8 hearing in the Order of Notice. If anybody has a
9 problem during the hearing, please call
10 (603)271-2431. In the event the public is unable
11 to access the hearing, the hearing will be
12 adjourned and rescheduled.

13 Okay. Let's take a roll call
14 attendance of the Commission. When each
15 Commissioner identifies him or herself, please
16 also state if anyone is with you, and identify
17 them.

18 My name is Dianne Martin. I am the
19 Chairwoman of the Public Utilities Commission.
20 And I am alone.

21 Commissioner Bailey.

22 CMSR. BAILEY: Good morning. Kathryn
23 Bailey, Commissioner at the PUC. And I am alone.

24 CHAIRWOMAN MARTIN: Commissioner

1 Giaimo.

2 CMSR. GIAIMO: Good morning. Michael
3 Giaimo, Commissioner with the Public Utilities
4 Commission. And I am alone as well.

5 CHAIRWOMAN MARTIN: Okay. Now, let's
6 take appearances from everyone, starting with
7 Consolidated please.

8 MR. MCHUGH: Good morning, Chairwoman
9 Martin. This is Attorney Patrick McHugh,
10 appearing on behalf of Consolidated
11 Communications. I'm alone here in my office.
12 And with me though, virtually, is Attorney Sarah
13 Davis, on behalf of Consolidated Communications
14 as well.

15 CHAIRWOMAN MARTIN: Okay. Thank you.
16 And, since most of you are new to this,
17 if I don't see you immediately, just put your
18 hand up, because there are a lot of people on the
19 screen right now.

20 Let's go to the Town of Dover next --
21 or, the City of Dover, sorry?

22 MR. WYATT: Good morning. This is
23 Attorney Josh Wyatt. I'm the City Attorney for
24 the City of Dover. I am at my home. I'm on the

1 third floor. My wife and my daughter are
2 downstairs. And with me here today is also John
3 Storer, the City's Community Services Director.

4 CHAIRWOMAN MARTIN: Okay. Thank you.

5 And, just so you know, counsel, you
6 don't need to disclose if anyone is with you.
7 That's really just for the public body.

8 MR. STORER: Chairman Martin?

9 CHAIRWOMAN MARTIN: Yes.

10 MR. STORER: John Storer, from the City
11 of Dover. City Attorney Josh Wyatt just
12 introduced me. But I'm here and active as well.

13 CHAIRWOMAN MARTIN: Okay.

14 MR. STORER: And I'm the Public Works
15 Director.

16 CHAIRWOMAN MARTIN: Thank you very
17 much. All right. Somersworth? Mr. Bobinsky. I
18 think you're on mute.

19 MR. BOBINSKY: Good morning. Mike
20 Bobinsky, City of Somersworth. I am the Director
21 of Public Works. And I'll be speaking on behalf
22 of the City of Somersworth.

23 CHAIRWOMAN MARTIN: Okay. Thank you.

24 Exeter?

1 MS. PERRY: Good morning. This is
2 Jennifer Perry, Public Works Director for the
3 Town of Exeter. And I will be speaking on behalf
4 of the Town.

5 CHAIRWOMAN MARTIN: Okay. Thank you.
6 And Portsmouth?

7 MS. WOODLAND: Suzanne Woodland. I am
8 the Deputy City Attorney for the City of
9 Portsmouth. Our Public Works Director, Peter
10 Rice, is right now an attendee, and could be
11 elevated to a panelist if it becomes useful.

12 CHAIRWOMAN MARTIN: Okay. Thank you.
13 Newington?

14 MR. DRISCOLL: Good morning,
15 Chairwoman. This is Joe Driscoll, from the
16 Mitchell Municipal Group, for the Town of
17 Newington.

18 CHAIRWOMAN MARTIN: Okay. Thank you.
19 And Durham?

20 MR. REINE: Good morning, Madam Chair,
21 Commissioners. My name is Rich Reine. I'm the
22 Public Works Director in Durham. And I'm joined
23 by Michael Lynch, who is the former Public Works
24 Director in Durham.

1 CHAIRWOMAN MARTIN: All right. Thank
2 you. And now, the OCA? Ms. Shute.

3 MS. SHUTE: Greetings, Commissioner.
4 Christa Shute, Staff Attorney with the Office of
5 the Consumer Advocate, here on behalf of
6 residential ratepayers.

7 CHAIRWOMAN MARTIN: All right. Thank
8 you. And for Staff, I think we have Attorney --
9 oh, there you are, Attorney Wiesner.

10 MR. WIESNER: Good morning,
11 Commissioners. David Wiesner, representing
12 Commission Staff. And with me virtually are Kath
13 Mullholand, Director of the Regulatory Innovation
14 and Strategy Division, with additional
15 responsibility for telecommunications matters,
16 and also Eric Wind, an attorney with the Legal
17 Division.

18 CHAIRWOMAN MARTIN: All right. Well,
19 thank you, everyone.

20 Is there anything that we need to
21 address before we take initial positions on this
22 from attendees here?

23 MR. WIESNER: I'm not aware of any
24 preliminary matters, Madam Chair. There don't

1 appear to have been any motions to intervene.

2 CHAIRWOMAN MARTIN: Okay. Thank you.

3 Then, we'll take initial positions,
4 starting with Mr. McHugh.

5 MR. McHUGH: Good morning, everybody.

6 Chairwoman Martin, I don't have much of an
7 opening statement. This is a complaint filed by
8 several towns.

9 We recognize that there is a dual pole
10 issue that needs to be addressed. It doesn't
11 only apply to these towns, to be very forthright
12 about it. And we've had some preliminary
13 conversations with Attorney Wyatt. And I hope,
14 in the technical session, we can start working on
15 a procedure or a resolution to the docket and to
16 the issue.

17 So, I'll leave it at that. And, if
18 need be, I'll ask for permission, if there's
19 anything said that I feel like needs to be
20 rebutted.

21 Thank you.

22 CHAIRWOMAN MARTIN: Okay. Thank you
23 for that.

24 Do each of the towns plan to speak

1 individually or is someone speaking for all?

2 MR. WYATT: Madam Chairwoman, I
3 believe, if I may make a statement, and others
4 may -- other communities may want to add on to
5 that, if that's permissible?

6 CHAIRWOMAN MARTIN: That would be fine.
7 Go ahead.

8 MR. WYATT: Thank you again. Good
9 morning. For the record, Josh Wyatt, City
10 Attorney, City of Dover. Just want to make a few
11 remarks with respect to our position.

12 As of this past summer, our
13 understanding is that there are around plus or
14 minus 270 double poles in Dover alone. Most of
15 those Consolidated is the party whose action is
16 required to proceed with the removal. And what
17 we're seeing in Dover is that, on average, it
18 takes more than a year to get a double pole or a
19 dual pole removed.

20 As an example, there was one pole that
21 took 512 days to address a concern that we raised
22 after we raised it. That's the time it took from
23 reporting it to actually getting it removed.
24 We're not sure exactly when it was placed. So,

1 it was likely a double pole situation longer than
2 that period of time.

3 And I understand that double poles have
4 been problem in this jurisdiction, and in many
5 jurisdictions, frankly. Our position is that
6 they present a significant safety hazard to
7 automobile traffic and pedestrian traffic. They
8 interfere with sightlines. They interfere with
9 plowing. There's poles falling concerns, there
10 are wires detaching. There's Americans with
11 Disability Act concerns. And, to be honest,
12 there are even -- I don't think it's farfetched
13 to say there are some social distancing concerns
14 currently with COVID and pedestrian traffic.

15 I have read, personally, examples of
16 poles falling in other jurisdictions. We've seen
17 examples of double poles that are balanced on top
18 of bricks or wood.

19 There are aesthetic concerns in the mix
20 here. There is kind of an urban blight that's
21 created, may even impact property values. I
22 believe many of these same concerns is why
23 Massachusetts has a 90-day removal requirement
24 when a new pole is placed.

1 Our position in this matter is that
2 there is really an unreasonable, unlawful
3 condition created. There's a large backlog of
4 these poles in Dover. We think Consolidated is
5 the or a root cause of that. And we hope that
6 that can be addressed in a reasonable fashion, by
7 addressing both the current backlog that exists,
8 and going forward, when new poles are placed.

9 And I would echo any other communities'
10 concerns and positions that are voiced this
11 morning. Thank you.

12 CHAIRWOMAN MARTIN: All right. Thank
13 you. I see Commissioner Bailey has her hand up.

14 CMSR. BAILEY: Thank you. Thank you,
15 Mr. Wyatt.

16 You mentioned "Massachusetts has a
17 90-day requirement". Is that a statutory
18 requirement or is that imposed by the Department
19 of Telecommunications?

20 MR. WYATT: It is a statutory
21 requirement. I believe it's Chapter 164,
22 Section 34B.

23 CMSR. BAILEY: Thank you.

24 MR. WYATT: Of course.

1 CHAIRWOMAN MARTIN: Any other questions
2 from Commissioners?

3 *[No verbal response.]*

4 CHAIRWOMAN MARTIN: Okay. Any other
5 towns or cities wish to speak independently?
6 Just put your hand up and I'll recognize you.

7 Okay. Let's start with Mr. Reine.

8 MR. REINE: Yes. Good morning. My
9 name is Rich Reine. I'm the Public Works
10 Director for the Town of Durham, speaking for the
11 Town.

12 First and foremost, I'd like to express
13 our appreciation to the Staff and Commissioners
14 for their time hearing this matter. We recognize
15 that you have many priorities on the docket, and
16 we're extremely grateful for your responsiveness
17 and your involvement in trying to find a
18 reasonable resolution to this widespread problem.

19 The Town of Durham would also like to
20 recognize the efforts of Consolidated for their
21 recent work on Durham Point Road to remove
22 several poles along the scenic roadway. Although
23 this is great progress in Durham, and clearly
24 demonstrates the capabilities of Consolidated

1 when they focus on this issue, there remains a
2 large problem in the Seacoast area, and beyond,
3 which needs to be addressed in a systematic way.

4 In the interest of time, I won't repeat
5 what you've already heard from Josh this morning.
6 Other than to say that the issue that is brought
7 before you is not only one of aesthetics in
8 Durham and surrounding communities, the double
9 pole issue has implications on ADA compliance,
10 public safety, winter operations, driver safety,
11 and construction and repair of Town
12 infrastructure.

13 If Consolidated Communications
14 continues to fail to address the current
15 situation with double poles, the backlog will
16 only get worse, making the problem even more
17 onerous and unmanageable.

18 Durham approaches this problem with an
19 open mind, and remains willing to work with
20 Consolidated to come up with a reasonable
21 resolution within a reasonable period of time.

22 We're looking forward to the technical
23 session after this -- after this prehearing, to
24 discuss with Consolidated and others what might

1 be a reasonable resolution. But this backlog has
2 been continuing for quite some time, and I
3 believe it's time to make some serious progress
4 on resolving the situation.

5 Happy to answer any questions at any
6 time. Thank you.

7 CHAIRWOMAN MARTIN: All right. Thank
8 you.

9 Any questions from Commissioners?

10 *[No verbal response.]*

11 CHAIRWOMAN MARTIN: All right. Seeing
12 none.

13 I think that Mr. Bobinsky had his hand
14 up. Would you like to speak now?

15 MR. BOBINSKY: Yes. Thank you,
16 Chairman Martin -- Chairwoman Martin. Thank you
17 very much. And we also echo what Josh -- Josh
18 Wyatt's opening comments and background
19 statements, and I will certainly echo those, and
20 would echo the comments from my colleague from
21 Durham. We appreciate you listening to us and
22 listening to the municipalities' concerns about
23 the double pole issue.

24 As stated in our original letter of

1 complaint, double poles on city streets
2 contributes to safety concerns, has been
3 mentioned ADA accessibility issues, and a blight
4 in neighborhoods.

5 One of the concerns that we have
6 stated, and from my experience, also deals with
7 the safety aspect, and particularly impacts and
8 impairment at intersections where there are
9 double poles. It impacts sightline visibility,
10 contributes to accidents, along with some other
11 conflicts between pedestrians, cyclists, and
12 vehicles.

13 The other aspect, that I think that
14 Richard mentioned as well, was winter operations.
15 When there are double poles, it impairs our
16 ability to appropriately and efficiently clear
17 sidewalks for ADA compliance, as well as
18 pedestrian compliance as well.

19 And I think it's also been indicated
20 that the older poles tend to stay at a
21 considerable length of time in the City of
22 Somersworth. We have some examples that go at
23 least five years, and perhaps even longer. We
24 have approximately 40 double poles in the City,

1 and that list is growing. We have had some
2 recent communications from Eversource about
3 system upgrades, where new poles will be
4 installed. And, when I've asked and my staff has
5 asked about the old poles, they indicate that
6 they do not have a timeframe for those. They
7 will be working with Consolidated and others.
8 But we can only imagine that that will add to the
9 backlog of what we currently have.

10 In addition to the unsightly and the
11 impairment that it has on a neighborhood, these
12 finger-pointing and schedule gymnastics that we
13 have is difficult. And we really want to work
14 with both parties, certainly Consolidated, on
15 resolving this issue.

16 And, so, I, too, look forward to the
17 technical session later, to roll up the sleeves
18 and find a way where we can improve the situation
19 and avoid this, not only in the short term, but
20 also in the future.

21 CHAIRWOMAN MARTIN: All right. Thank
22 you.

23 Any questions from the Commissioners?

24 *(Cmsr. Bailey and Cmsr. Giaimo*

1 *indicating in the negative.)*

2 CHAIRWOMAN MARTIN: Okay. I think,
3 Ms. Woodland, you had your hand up.

4 MS. WOODLAND: Thank you. Suzanne
5 Woodland, with the City of Portsmouth.

6 Just I will echo what you've already
7 heard from the other communities, in terms of
8 safety and operational issues, as well as
9 aesthetic issues, which, when you're a tourist
10 community, actually translates into economic
11 issues.

12 Let me, since the City did not file
13 written comments in terms of the numbers of
14 poles, right now we have documented 139 poles
15 that are waiting for equipment to be moved from
16 on the "Consolidated" bucket, if you will,
17 they're next. So, that's what we have in
18 Portsmouth right now. It's 139.

19 And, you know, Portsmouth is still
20 undertaking improvements within its
21 rights-of-way, so that number is not static. We
22 are continuing. There are new pole sets coming,
23 and we see this as a continuing problem.

24 The City has worked with the utilities,

1 not just Consolidated, over the years on these
2 double pole issues. And I think what we're
3 looking for is a remedy or some assistance from
4 the Public Utilities Commission. Because, while
5 we can continue as municipalities to reach out,
6 and I have reached out to Consolidated, and they
7 have at times, you know, picked up the pace, it
8 really shouldn't come to that. It would be
9 better to have a clearer process and a more
10 organized way to do this.

11 I will say that over the years, and
12 I've been here over 15 years with the City of
13 Portsmouth in working with some of the utilities
14 on these double pole issues, the City has offered
15 to streamline its flagging permit process, for
16 example. When we know that we have some
17 dedicated resources coming to the City, we ask
18 them what we can do to help, to get them to get
19 their work done efficiently and effectively. So,
20 know that that, you know, we're willing to
21 continue that conversation in the technical
22 session, "how can we help you get this situation
23 resolved?"

24 So, thank you.

1 CHAIRWOMAN MARTIN: All right. Thank
2 you.

3 Any -- oh, Commissioner Giaimo, I see
4 your hand up.

5 CMSR. GIAIMO: Attorney Woodland, thank
6 you. And you mentioned historically. So, I was
7 wondering if you can kind of provide some
8 perspective. Has the issue -- the double pole
9 issue gotten worse, gotten better over the years,
10 or has this remained constant?

11 MS. WOODLAND: From my perspective,
12 it's about the same. I remember having these
13 conversations with Verizon. I remember having
14 these conversations with FairPoint. I do
15 remember some hearings years ago, which I think I
16 attended, when this issue came up before.

17 So, I feel like this is not new. And
18 it does tend to be the telephone that is the
19 bigger problem, in my experience. But we have
20 had to have these conversations with Comcast over
21 the years, and with Eversource, to get more
22 feedback, in terms of who is holding up the
23 process, so that we can have those conversations.
24 And I have reached out to Attorney McHugh in the

1 past, and he responds to my calls. So, that's
2 great.

3 But I think a little more -- it would
4 be nice for the municipalities not to have to
5 constantly track this down and try to jostle, you
6 know, for attention, and really have the
7 resources dedicated.

8 CMSR. GIAIMO: Thank you for the
9 perspective. And thank you, everyone, for
10 attending today.

11 CHAIRWOMAN MARTIN: Commissioner
12 Bailey, did you have any questions?

13 *(Cmsr. Bailey indicating in the*
14 *negative.)*

15 CHAIRWOMAN MARTIN: Okay. Mr. Rice,
16 you had your hand up as well.

17 MR. RICE: Yes. Thank you. And I
18 wanted to echo the previous speakers, taking the
19 time to hear our concerns.

20 And I wanted to reinforce what Attorney
21 Woodland had said. I'm been director for eight
22 years. I started, one of the first things I had
23 to deal with was this double pole, and actually
24 triple poles in spots, issue. And there were

1 poles that have been on our list for over six
2 years, in terms of addressing.

3 We have seen a high watermark of
4 probably 400 poles. We're currently at probably,
5 you know, I know Attorney Woodland said that
6 Comcast -- Consolidated is about 130, we're
7 probably in the 180 right now poles. And they do
8 come and go. But it is a -- it's a constant
9 effort. We have assigned a half a body, you
10 know, a half time person to monitor this. That
11 person goes out and inventories, they follow up
12 with letters. We coordinate with them. And it's
13 a, you know, these are resources that we are
14 expending to address something that we feel is
15 really something that should be on the utilities
16 to manage.

17 And we don't feel -- and what Attorney
18 Woodland has said is we're looking for some
19 remedy, some support from the PUC to help
20 expedite this process. It's unrealistic for us
21 to be able to continue to assign staff to be able
22 to manage this thing.

23 So, you know, we appreciate whatever
24 assistance you can provide, and look forward to

1 working with Consolidated to address this ongoing
2 challenge.

3 CHAIRWOMAN MARTIN: All right. Thank
4 you. I saw Mr. Driscoll with his hand up.

5 MR. DRISCOLL: Good morning. I'm here
6 on behalf of the Town of Newington. And I
7 apologize, initially, I didn't introduce Paul
8 Deschaine, who is also on here on behalf of
9 Newington.

10 I simply would like to echo everything.
11 Would indicate that we are experiencing 85
12 documented double pole issues.

13 But I think this sort of second half of
14 the presentation is more what I wanted to
15 highlight. That this is an ongoing issue. And,
16 actually, I think there is a great benefit to not
17 just the municipalities, but also Consolidated,
18 if we could formulate how this thing moves
19 forward and how these things are addressed as new
20 installations go in. So that we aren't brought
21 here, we aren't brought before you folks. That
22 this is something that can be built into their
23 costs. It can be anticipated in any project.
24 And it gives everybody a little bit of a piece of

1 mind on this issue. It just seems to be
2 something that -- it's not an issue of malice or
3 anything like that. It's just simply a
4 scheduling problem.

5 So, I think, you know, regarding the
6 technical session hereafter, we definitely all
7 can put our heads together, and hopefully come up
8 with a plan that addresses the backlog, handle
9 how this will move forward into the future, so
10 that this, you know, Seacoast region can really,
11 you know, try and put this issue to bed.

12 Thank you.

13 CHAIRWOMAN MARTIN: All right. Thank
14 you. Any questions from the Commissioners on
15 that?

16 *(Cmsr. Bailey and Cmsr. Giaimo*
17 *indicating in the negative.)*

18 CHAIRWOMAN MARTIN: All right. And I
19 believe, Ms. Perry, you had asked to speak?

20 MS. PERRY: Yes. Good morning. Thank
21 you, Chairwoman Martin. This is Jennifer Perry,
22 Public Works Director for the Town of Exeter.
23 And I echo everything that has already been
24 stated, and I don't need to repeat that.

1 I would just like to add that the Town
2 of Exeter has currently 73 double pole issues. I
3 believe 71 of them are waiting first for
4 telephone to be moved before cable before the
5 double pole can be removed.

6 And I do have photos in a document, if
7 you would like to see those shared. We did not
8 supply our list. We certainly can supply that at
9 any time.

10 And I thank the Commission for taking
11 the time. I know you're all very busy. This may
12 not seem like a significant issue. But, as
13 you've heard, it really is a concern for all the
14 municipalities, and more than just the ones that
15 are present this morning. And it has been a
16 long-standing issue. It's something that I have
17 known of for the 20 years that I've been here for
18 the Town of Exeter. It is - it's always a
19 challenge. And I agree with what others have
20 said, that we're really looking forward to coming
21 up with a meaningful way to work with all the
22 utilities regarding scheduling. We appreciate
23 the PUC's efforts to try and assist with that.
24 And look forward to the technical session this

1 afternoon. Thank you. Or later.

2 CHAIRWOMAN MARTIN: All right. Thank
3 you. And any questions from the Commissioners?

4 *(Cmsr. Bailey and Cmsr. Giaimo*
5 *indicating in the negative.)*

6 CHAIRWOMAN MARTIN: Seeing none. Then,
7 let's move to the OCA. Ms. Shute.

8 MS. SHUTE: Thank you, Commissioners.

9 The double utility pole problem appears
10 to be a systematic issue that extends even beyond
11 the towns participating in this docket. And, in
12 addition to the aesthetics, the safety and
13 economic issues are real.

14 And, while some towns may identify a
15 recourse, such as Dover, under a local ordinance,
16 this is really a statewide issue involving
17 regulated utilities. So, individual cities and
18 towns should not need to incur those costs, nor
19 will all towns actually have such ordinances in
20 place.

21 The Office of the Consumer Advocate is
22 also interested in further understanding to what
23 degree Consolidated's apparent abrogation of duty
24 results in additional cost burdens to Eversource,

1 that get passed onto Eversource ratepayers, while
2 not actually decreasing, only delaying, the costs
3 Consolidated recovers from its customers.

4 In an age in which the installation of
5 high speed broadband is a requirement, and such
6 installations may require upgraded poles in an
7 age of grid modernization, the responsiveness of
8 the utilities that own such poles is critical to
9 the ability of rural ratepayers to receive the
10 service that they need for education, work,
11 health, and societal interaction.

12 So, while we urge relief for the towns
13 involved in this complaint, the Office of the
14 Consumer Advocate is also involved because we
15 believe this issue needs to be addressed by the
16 Commission, not just for these towns, but for all
17 of New Hampshire.

18 We want to understand the impacts to
19 ratepayers, from both the electric and telecom
20 perspective. We believe there should be an
21 overall evaluation of the obligations under the
22 law and interaction of the utilities on this
23 issue, to determine whether the existing schema
24 is sufficient.

1 We anticipate that, based on the
2 information learned in this docket, the OCA is
3 likely to recommend that the Commission open an
4 investigative docket to address these issues
5 comprehensively, including whether a rule
6 modification can increase the likelihood that
7 they fulfill their obligations, or whether
8 Consolidated should be divested of ownership of
9 any joint utility poles.

10 We look forward to working with the
11 parties in this docket in the upcoming technical
12 session.

13 Thank you.

14 CHAIRWOMAN MARTIN: All right. Any
15 questions from the Commissioners of Ms. Shute?

16 *(Cmsr. Bailey and Cmsr. Giaimo*
17 *indicating in the negative.)*

18 CHAIRWOMAN MARTIN: Okay. Well, let's
19 move to Staff. Attorney Wiesner.

20 MR. WIESNER: So, thank you, Madam
21 Chair.

22 On behalf of Commission Staff, based on
23 our initial review of the complaints filed by the
24 six municipalities, we determined that this was

1 an appropriate case for adjudication, and we
2 continue to believe that.

3 I was encouraged to hear the Company
4 acknowledge the problem, the scope of the problem
5 for these municipalities, as well as statewide.
6 And we appreciate the expressed willingness of
7 Consolidated to work with these towns and cities
8 to resolve the issue. We will further explore
9 the potential for such a resolution during our
10 technical session.

11 We will also undertake some effort to
12 develop a procedural schedule that will permit
13 the factual record to be developed. It may be
14 necessary to look at just about every double pole
15 and see what the situation is, with respect to
16 safety, access, ADA compliance, some of the other
17 issues you heard about this morning from the
18 towns and cities. And we will also give some
19 thought as to an improved process going forward,
20 so these types of situations are less likely to
21 occur, and are more readily resolved when they do
22 occur.

23 And, ultimately, it may require some
24 decision by the Commission. There is a question

1 about the scope of the Commission's jurisdiction
2 with respect, in particular, to aesthetic issues,
3 economic impacts, that may not fall squarely
4 within the Commission's jurisdiction. We will
5 explore that with the parties as well.

6 I will note that we don't have a
7 statute in this state which requires removal of
8 double poles within a specific timeframe, as
9 apparently is the case in Massachusetts, as
10 highlighted by Attorney Wyatt.

11 So, we look forward to working with the
12 parties during the technical session to determine
13 the path forward, and to put together a
14 package -- a record for resolution by the
15 Commission within a reasonable timeframe.

16 Thank you.

17 CHAIRWOMAN MARTIN: All right. Any
18 questions for Staff from the Commissioners?

19 *(Cmsr. Bailey indicating in the*
20 *negative.)*

21 CHAIRWOMAN MARTIN: Okay. Seeing none.

22 If there is nothing else that needs to
23 be covered, we'll let you get off to the
24 technical session and start your work.

1 Thank you, everyone, for all your time
2 this morning. We are adjourned.

3 ***(Whereupon the prehearing conference***
4 ***was adjourned at 10:40 a.m., and a***
5 ***technical session was held***
6 ***thereafter.)***

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