

DT 00-098

MERRIMACK COUNTY TELEPHONE

Petition for License to Cross Public Waters in the Town of
Bennington, New Hampshire

Order Nisi Granting License for Telephone Cable Over and
Across Public Waters

O R D E R N O. 23,491

May 23, 2000

The Petitioner, Merrimack County Telephone (MCT), filed on April 25, 2000, a petition under RSA 371:17 for a license to construct and maintain an aerial cable over and across the public waters of the Contoocook River in the Town of Bennington, New Hampshire. The proposed aerial cable is for the purpose of providing telecommunications services to customers along U. S. Route 202.

In support of its petition, MCT submitted locus, plan and profile drawings of the crossing. The proposed crossing will be one hundred ninety feet of aerial cable of 300 pairs, 24 AWG lashed to 10M strand from Public Service Company of New Hampshire (PSNH) pole # 122/5 on the west side of the Contoocook River to PSNH pole # 122/4 on the east side of the Contoocook River.

The installation will be done in upland areas and no impact to the surrounding waters will occur. No wetlands permit will be needed. MCT has stated, and Staff agrees, that

the use and enjoyment by the public of these public waters will not be affected as a result of the proposed aerial cable crossing.

MCT has made application to PSNH to establish joint ownership of the PSNH poles # 122/4 and 122/5, and will not start the crossing until permission has been obtained.

MCT has attested, and Staff agrees, that the construction of the aerial cable will meet or exceed the requirements of the National Electrical Safety Code (NESC).

In order to establish reliable service to the public, MCT must construct cables over and across certain public waters. The definition of public waters contained in RSA 371:17 includes "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe." The Commission prescribes this crossing to be across public waters.

The Commission finds such crossing necessary for MCT to meet its obligation to provide reliable telecommunication service within its authorized franchise area. Accordingly, we find that the crossing is in the public good. Therefore, we will approve the petition on a Nisi basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

Based upon the foregoing, it is hereby

ORDERED NISI, that MCT is authorized, pursuant to RSA 371:17 et seq., to construct, maintain, and operate the telecommunications cable over and across the Contoocook River in Bennington, New Hampshire depicted on drawings submitted April 25, 2000 and on file with this Commission; and it is

FURTHER ORDERED, that all construction and future reconstruction to this approved crossing shall conform to the requirements of the NESC and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than May 30, 2000 and to be documented by affidavit filed with this office on or before June 9, 2000; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than June 9, 2000; and it is

FURTHER ORDERED, that any party interested in

responding to such comments or request for hearing shall do so no later than June 15, 2000; and it is

FURTHER ORDERED, that this Order Nisi shall be effective June 23, 2000, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-third day of May, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary