

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 11-280

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Request to Construct and Maintain Fiber Optic Cable
Over and Across Public Water Bodies and Railroads**

NOTICE OF ORDER NO. 25,417

September 25, 2012

SUMMARY OF ORDER

On December 20, 2011, New Hampshire Optical Systems, Inc. (NHOS) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables over and across 5 state-owned railroad properties and 18 public water bodies located in 11 New Hampshire towns and cities. According to the petition, all but one of the proposed crossings will be placed between existing utility poles in existing public rights-of-way.

The water crossings are located as follows:

- Franklin: Two Winnepesaukee River crossings parallel the southerly side of Central Street bridge (Route 3/11) in the vicinity of Peabody Road and River Street, between Poles 1/22 and 1/23, and the southerly side of the Central Street bridge (Route 3/11) near East Bow Street, between Poles 1/42 and 1/43.
- Laconia: One Winnepesaukee River crossing parallels the easterly side of the New Salem Street bridge near the intersection of Winnisquam Avenue and Fair Street, between Poles 180/16 and 180/17.
- Hanover: Two Mink Brook crossings parallel a dirt access road that extends from Buck Road in the vicinity of Lebanon Street (Route 120), between Poles 197/2 and 197/3; and the westerly side of Great Hollow Road near the intersection of Greensboro Road and Etna Road, between Poles 83/3 and 83/4.
- Concord: One Contoocook River crossing parallels the westerly side of the Village Street (Route 3) bridge, between Poles 736/1 and 554/1.

- Ashland: One Squam River crossing parallels the northerly side of the Winnepesaukee Scenic Railroad Bridge, between Poles 4/6 and 4/7; one Pemigewasset River crossing is located approximately 200 feet north of the Daniel Webster Highway bridge in the vicinity of North Ashland Road, between Poles 380/452 and 380/453.
- Canaan: Three Indian River crossings parallel the southerly side of Route 4 near Gristmill Hill Road, between Poles 7613/33 and 7613/34; the westerly side of Dorchester Road (Route 118), between Poles 116/27 and 116/28; and the southerly side of Route 4 between Roberts Road and Upper Grafton Road, between Poles 116/34 and 116/35.
- Canaan: Three Mascoma River crossings parallel the northerly side of Route 4 in the vicinity of Lafortune Road, between Poles 116/81 and 116/82; the westerly side of Route 4 in the vicinity of Goose Pond Road, between Poles 412/177 and 412/178; and the southerly side of Route 4 in the vicinity of the intersection of West Farms Road and Blackwater Road, between Poles 412/148 and 412/149.
- Lebanon: Four Mascoma River crossings parallel the westerly side of Route 4 near Route 4A and Sunset Rock Road, between Poles 110D/10 and 110D/14; approximately 125 feet east of an existing covered bridge in the vicinity of the Hardy Hill Road cul de sac and Riverside Drive, between Poles 203/2 and 203/3; on the Bank Street Extension in the vicinity of Riverdale Drive, between Poles 1/32 and 1/33; and on Hanover Street (Route 120), between Poles 119/1 and 225/3.

The railroad crossings are located as follows:

- Northfield: at Main Street in Northfield near the intersection of Prospect and Park Streets, between Poles 63/10 and 63/8;
- Laconia: at New Salem Street near the intersection of Winnisquam Avenue and Fair Street, between Poles 180/14 and 180/15;
- New Hampton: at Winona Road, between Poles 380/331 and 380/300;
- Bridgewater: at John Jeness Road, between Poles 380/458 and 380/457; and
- Tilton: at Main Street, east of Mechanic Street, between Poles 64/8 and 64/7.

The petition, subsequent docket filings, and a copy of the entire Order are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-280.html>.

Staff reviewed the petition and conducted discussions with NHOS, then subsequently filed three memoranda finding that the proposed construction and designs conform with applicable sections of the NESC. Staff recommended approval of NHOS's petition, subject to

certain conditions related to ensuring the safe operation and maintenance of the proposed crossings.

Based on the information presented in NHOS's petition and Staff's memoranda, the Commission finds the proposed crossings necessary for NHOS to meet the reasonable requirements of reliable service to the public within NHOS's authorized service territory, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters, as required for approval under RSA 371:20. The petition is therefore approved on a *nisi* basis, subject to the conditions recommended by Staff.

All persons interested in responding to this Order *Nisi* may submit comments or file a written request for a hearing which states the reason and basis for a hearing no later than October 12, 2012 for the Commission's consideration; and any party interested in responding to such comments or request for hearing shall do so no later than October 19, 2012. This Order *Nisi* shall be effective October 26, 2012, unless the Petitioner fails to satisfy the publication obligation set forth in the full order or the Commission provides otherwise in a supplemental order issued prior to the effective date.