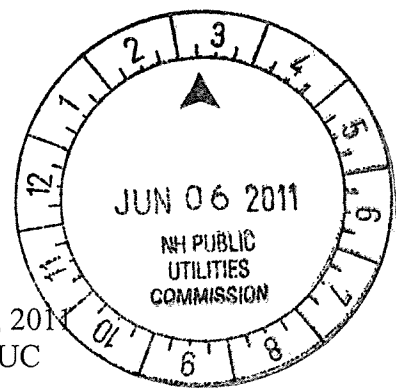


STATE OF NEW HAMPSHIRE

Inter-Department Communication



DATE: June 6, 2011

AT (OFFICE): NHPUC

FROM: Randy Knepper, Safety Director *L. Knepper*

SUBJECT: Docket No. DT 11-006 Teljet Longhaul LLC Petition for License to Cross Public Waters in Peterborough

TO: Debra Howland, Executive Director
Kate Bailey, Director, Telecom Division
Lynn Fabrizio, Staff Attorney

The Safety Division review of the above petition consisted of the following elements:

- Petition contents and history
- Review of existing crossing(s) previously licensed by the PUC
- Review of land ownership regarding existing pole structures
- Review of NESC code requirements as described in Puc 400 rules
- Review of public need and public impact, including applicability of other State regulations
- Conclusions and Recommendations

1. Petition contents and history.

On January 13, 2011, Teljet Longhaul, LLC (Teljet) filed a petition to construct and maintain telecommunications lines over and across the Contoocook River in Peterborough, NH to provide service to the public. Teljet proposes to expand its fiber network to provide telecommunications services to customers in New Hampshire. It is staff's understanding the fiber network will be part of the Network New Hampshire Now infrastructure development, a collaboration of public and private entities, including governmental agencies at the municipal and state level. According to its website, Teljet operates one of the largest fiber-optic networks in Vermont and New Hampshire, providing broadband services and redundancies to the public. Teljet states the proposed construction will help accommodate growth demand and obtain a greater level of service reliability.

Teljet was certified to provide competitive local exchange carrier services in New Hampshire on August 10, 2010. The proposed crossing occurs between existing utility poles owned by Public Service of New Hampshire (PSNH).

On April 15, 2011, based on comments from Staff during its review of representations made within the petition, Teljet electronically forwarded revision 1.02 regarding the crossing. The revision depicted the existing electric crossing and proposed construction at each pole. A formal revision was officially submitted to the Commission on April 21, 2011.

2. Review of the existing crossing.

The existing pole structures are within the New Hampshire Department of Transportation right-of-way.

To date, the Safety Division has not found any written documentation confirming that PSNH was ever granted a license for the electric crossing by the PUC pursuant to RSA 371:17 to cross public waters at this location. It is these pole structures of the electric crossing in which Tel Jet will attach its facilities and maintain appropriate safety clearances.

PSNH's existing electric crossing is referred to as circuit 23W1, a three phase 12.47 kv voltage (phase to phase).

There are no other utilities or attachers (such as a municipal fire alarm) attached to poles 28/4 and 28/5.

3. Review of NESC code requirements as described in Puc 400.

N.H. Code of Administrative Rules PART Puc 433.01 Construction, Installation and Maintenance of Physical Plant states as follows:

- (a) A facilities-based CLEC shall construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code, 2002 edition, and the National Electric Code as adopted by RSA 155-A:1, IV.

Teljet's petition states that the 2007 National Electrical Safety Code C2-2007 was used for compliance. The Safety Division reviewed 'Section 23 Clearances' in both the C2-2002 and C2-2007 editions and found the only differences were mainly additional clarity in the C2-2007 edition, and that no clearance values were adjusted that would have an impact on this crossing.

In particular, Teljet portrayed a vertical clearance of at least 31.3 feet from the 10-year flood elevation meeting the required minimum of 17.5 feet. There are no other utilities besides PSNH on this crossing. The loading condition was NESC heavy load conditions (0.5 in radial ice, 4 p/f of wind, 0 deg F) for the 288 fiber optic cable with NESC Grade B construction.

A separation of 40 inches between the electric neutral and proposed fiber optic cable was shown in the petition and is in compliance with NESC C2-2002.

The Safety Division review of the petition and attachments found them to be in conformance with the applicable sections of the NESC C2-2002.

According to Teljet's petition neither New Hampshire DOT nor DES permits are required.

4. **Recommendations and Conclusions.**

The Safety Division recommends approval of Teljet's petition to the Commission with the following conditions:

- a) The Commission should require that all future alterations to the crossing that may impact the public conform to the requirements of both the 2002 and 2007 editions of the NESC and be submitted to the Commission 60 days prior to the alteration.
- b) Teljet should be required to maintain and operate the crossing in conformance with the NESC or risk future revocation of the license.

The Safety Division also recommends that PSNH be required to submit a license application for this location within 60 days of the effective date of any order issued. This should not preclude Teljet from installing the proposed construction.