

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: June 10, 2011

AT (OFFICE): NHPUC

FROM: Randy Knepper, Safety Director *Randy Knepper*

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

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 of existing pole structures.
- Review of NESC 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 Stony Brook and the Souhegan River in Wilton, 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 that 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 August 10, 2010. The proposed crossing occurs between existing utility poles owned by Public Service of New Hampshire (PSNH).

On January 25, 2011, the Safety Division conducted a field inspection of the proposed river crossings.

On April 15, 2011, based on comments from Staff during its review of representations made within the petition, Teljet electronically forwarded Revision 1 regarding the crossings. The revision depicted the existing electric crossing, other telecommunication providers located at the same crossing and proposed construction for Teljet fiber optic cables at each pole. A formal revision was officially submitted to the Commission on April 21, 2011.

2. Review of the existing crossing of Stony Brook, Wilton.

Staff has determined, after reviewing the amended petition, that a license is not required for the crossing at Stony Brook in Wilton, NH. The amended petition depicts Teljet traversing diagonally on Burns Hill Road between the PSNH pole marked as (PSNH 6/1)/(TDS4/1)/(Fairpoint 342) and the PSNH pole marked as (PSNH 10/30)/(TDS 3/1). Since the crossing is on the roadway and not directly above Stony Brook as initially proposed, RSA 371: 17 is not applicable to this location. Comcast Communications (Comcast), TDS Telecom (TDS) and Fairpoint Communications (FairPoint) are also attached to these poles.

Review of the existing crossing of the Souhegan River, Wilton.

The existing pole structures are within the municipal right-of-way.

To date, the Safety Division has not found any written documentation confirming that PSNH, Comcast, FairPoint or TDS were ever granted licenses by the PUC pursuant to RSA 371:17 for their facilities to cross public waters at these locations. It is these pole structures with the electric, cable and telecommunications crossings on which Teljet will attach its facilities and maintain appropriate safety clearances.

PSNH's existing electric crossing at this location is referred to as circuit 314X4, operating at three phase 34.5kv voltage level (phase to phase).

Comcast, FP and TDS are the other utilities attached to the poles marked as (PSNH 4/1): (TDS 4/6) :1 and (PSNH 40/2): (TDS4/5) :2 on Island Street crossing the Souhegan River.

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

The N.H. Code of Administrative Rules 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 36 feet from the 10-year flood elevation over the Souhegan River, meeting the required minimum of 17.5 feet. 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 spanning 173 feet with NESC Grade B construction.

The separation of 60 inches between the electric neutral and proposed fiber optic cable was shown and is in compliance with NESC C2-2002 for the Souhegan River, meeting the required minimum of 40 inches.

The separation of 12 inches between the proposed fiber optic cable and the closest telecommunications facilities was shown and is in compliance with NESC C2-2002 per Section 235.C.2.b(1)(a) of the NESC at the pole and at the midspan.

The Safety Division review of the petition and attachments found the proposed attachments to be in conformance with the applicable sections of the NESC code 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. Staff recommends the approval to be limited to the Souhegan River in Wilton, since the crossing of Stony Brook is on the roadway and no longer directly above Stony Brook as initially proposed. Staff believes RSA 371:17 is not applicable to this location.
- b. Staff has determined that a license is required and recommends approval of the proposed crossing over the Souhegan River in Wilton.
- c. Staff recommends the Commission 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 any proposed alteration.

- d. Teljet should be required to maintain and operate the crossings in conformance with the NESC or risk future revocation of the license.

The Safety Division also recommends that PSNH, Comcast, FairPoint and TDS be required to submit license applications for their facilities crossing the Souhegan River in Wilton within 60 days of the effective date of any order issued in this docket. This should not preclude Teljet from installing the proposed construction.