

STATE OF NEW HAMPSHIRE**Inter-Department Communication****DATE:** September 21, 2011**AT (OFFICE):** NHPUC**FROM:** Randy Knepper, Director of Safety & Security, Safety Division **SUBJECT:** Docket No. DT 11-036 segTEL Petition for a License to Construct and Maintain Fiber Optic Cable Over and Across Public Waters of the Merrimack River in Hooksett, New Hampshire**TO:** Debra Howland, Executive Director
Kate Bailey, Director Telecom Division
Lynn Fabrizio, Staff Attorney

The Safety Division considered the following elements in its review of the above-captioned petition:

- Petition contents and history
- Licensing requirements
- Conclusions and Recommendations

1. Petition contents and history.

- On February 23, 2011, segTEL, Inc. (segTEL), a registered CLEC and public utility operating in the State of New Hampshire, filed a petition for a license to construct and maintain fiber optic cable over and across the Merrimack River in the Town of Hooksett.
- segTEL proposes to construct a new fiber optic line and attach at nine locations on a municipal bridge known as "Lilac Bridge" or "Old South Main Street Bridge" to accommodate customer demand and improve service reliability.
- On May 27, 2011, segTel filed an amendment to its original filing indicating changes in the proposed construction, with the cable to be attached to an existing municipally owned bridge, as well as a copy of the license granted by the Town of Hooksett.
- The Merrimack River in Hooksett is included on the N.H. Department of Environmental Services (NHDES) official list of public waters.

2. Review of licensing requirements.

Based upon its review of the petition, amended filing, and Staff field visit on March 29, 2011, Staff believes that a license pursuant to RSA 371:17 is not required for the proposed crossing over the Merrimack River in Hooksett. The bridge is owned by the Town of Hooksett, which has determined that the crossing proposed by segTEL is in the public good. The Town granted segTEL a license for this crossing on May 25, 2011, recording the license in the town records at book 2011, page 3.

Because the proposed crossing will be attached to a municipally owned bridge, Staff concludes that the crossing does not require a license under RSA 371:17. The Commission in *Licensing of crossings over public waters and State-owned land*, Order No. 6217, 35 NHPUC 94 (1953) established that crossings “having supports attached to public highway bridges, except where such crossings are below the bridge clearance” are exempted from the licensing requirement of RSA 371:17. segTEL’s crossing will be attached to existing stanchions on the side of the bridge, above the bridge clearance. Thus, Staff concludes that a petition is not required.

3. Recommendations and Conclusions.

The Safety Division recommends the Commission dismiss without prejudice segTEL’s petition for a license to construct and maintain fiber optic cable over and across the Merrimack River in the Town of Hooksett.