

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DT 12-013

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

Request to Construct and Maintain Fiber Optic Cable  
Over and Across Public Waters in Swanzey and Merrimack

NOTICE OF ORDER NO. 25,438

December 10, 2012

**SUMMARY OF ORDER**

On January 11, 2012, New Hampshire Optical Systems, Inc. (NHOS) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables in Swanzey and Merrimack over and across public waters of the rivers and brooks listed below. According to the petition, each proposed crossing will be placed between existing utility poles in existing public rights-of-way.

The locations of the crossings are as follows:

- Across Martin Brook, parallel to the east side of Route 32 in the vicinity of Blake Road in Swanzey, between utility poles E-383/246, T-128/129 and E-383/247, T 128/130.
- Across Martin Brook, parallel to the east side of Route 32, in the vicinity of Swanzey Lake Road in Swanzey, between utility poles E-44/ 131, T- 196/118 and E-44/132, T-196/127.
- Across the South Branch Ashuelot River, parallel to the west side of Route 32, in Swanzey, between utility poles E-365/10, T-19642/10 and E-365/9, T-19642/9.
- Across the Souhegan River, parallel to the west side of the Daniel Webster Highway between Woodbury Street and Railroad Avenue, in Merrimack, between utility poles E-1/352, T-109/185 and E-1/353, T-109/184.

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/2012/12-013.html>.

Staff reviewed the petition and conducted discussions with NHOS, then subsequently filed a memorandum recommending 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 memorandum, the Commission finds the proposed crossings necessary for NHOS to meet the reasonable requirements of reliable service to the public, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters. The petition is therefore approved on a *nisi* basis, subject to the conditions recommended by Staff and contained in the full Order at the link referenced above.

All persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than December 26, 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 January 2, 2013. This Order *Nisi* shall be effective January 7, 2013, 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.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:  
DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.