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The Northeast Utilities System

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VIA HAND DELIVERY AND ELECTRONIC MAIL

Debra A. Howland  
Executive Director & Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429



Re: DT 12-107 New Hampshire Optical Systems, Inc. – Petition for an Investigation into Proposed Charges for Utility Pole Make Ready

Dear Ms. Howland:

The purpose of this letter is to provide the Commission with the comments of Public Service Company of New Hampshire (PSNH) to Staff's Report and Recommendation filed on January 30, 2013, in the above docket.

PSNH commends the efforts of Staff to investigate and gather information relating to the matters at issue in this docket. PSNH believes Staff has correctly concluded that the pole owners have acted reasonably and in accordance with the terms of their pole attachment agreements with third party attachers, and that the disputes in this docket are a result of the actions or inactions of the third party attachers themselves, not the pole owners. PSNH will address brief comments to only two of the recommendations made in Staff's Report.

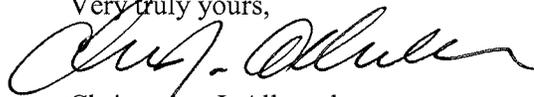
First, Staff has recommended that the Commission "open a separate proceeding to review the rates to be charged for make-ready"(Staff Report and Recommendation, p.7). To the extent the Commission is inclined to consider opening such a proceeding, PSNH believes it should be limited only to review of the make ready rates charged by the third party attachers who are identified in Staff's Report as having disputes with New Hampshire Optical Systems, Inc. (NHOS). NHOS has not lodged any complaint in this docket about the make ready rates or charges of any of the pole owners, including PSNH. Staff's analysis only questions the make ready rates charged to NHOS by segTEL, BayRing and TelJet. *See* Staff Report and Recommendation, p. 2. Accordingly, it seems clear that any such proceeding should be confined to review of the make ready rate disputes between NHOS and the other existing third party attachers.

Second, Staff has commented upon and recommended consideration of the idea of allowing so-called “temporary attachments” on poles, a practice ostensibly being tested in Connecticut to “hasten pole attachments on poles requiring substantial make-ready”, by allowing temporary attachment below the lowest existing attachment until the make-ready work is completed (Staff Report and Recommendation, p.7). PSNH has a number of initial concerns with such a concept. No pole owner process or procedure presently exists to implement such an idea. Development of an acceptable process would entail devotion of time and resources on the part of the pole owners which does not seem necessary or warranted given the issues in this docket. Such a process would likely increase the administrative burdens already imposed upon pole owners by the pole licensing and attachment requirements, fostering needless complication, additional work and potential further delays. Temporary pole attachments may present new clearance issues and public safety concerns. Moreover, there are questions such a concept poses about the safe and proper method and means of making such temporary attachments without resort to the use of extension arms, or boxing, both practices which are presently proscribed and limited in use under the Commission’s pole attachment rules. Additionally, a proliferation of temporary attachments on poles may materially increase the time and costs of utility distribution and service infrastructure repair or replacement in storm restoration, pole accidents or other damage situations. Finally, there is the question and potential considerable cost to pole owners of enforcement of the removal of a temporary attachment, which PSNH anticipates could all too easily become the proxy for a permanent pole attachment solution for third party attachers.

Even with these concerns, PSNH has a more fundamental objection to Staff’s recommendation to consider the idea of temporary attachments in this docket. It is premature, and may not be necessary. Staff has concluded from its investigation that the make ready and attachment delays which NHOS claims it is experiencing are really the result of a combination of the size and scope of the NHOS project, and the actions or inactions of NHOS and the other existing third party attachers in their dealings with one another. In PSNH’s view, it is fundamentally unfair to require the pole owners to devote time and resources to consideration of the temporary attachment concept, before the collaborative process which Staff has recommended NHOS and the existing third party attachers undertake to mediate and settle the issues among them comes to a conclusion. That mediation could conceivably result in an agreement for proceeding which establishes workable solutions without the need for further consideration of the temporary attachment idea. Accordingly, PSNH believes it makes sense to at least defer Staff’s recommendation in this regard until NHOS and the other third party attachers have attempted to resolve their issues in this docket by other means.

Thank you for the opportunity to comment on Staff’s recommendations in this matter.

Very truly yours,



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Senior Counsel

cc: R. Bersak  
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