

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-107

NEW HAMPSHIRE OPTICAL SYSTEMS, LLC

Petition for Investigation into Proposed Charges for Utility Pole Make Ready

ORDER OF NOTICE

On April 24, 2012, New Hampshire Optical Systems, LLC (NHOS) filed a petition for investigation into proposed charges for utility pole make-ready work with the Commission. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-107.html>.

NHOS, a registered competitive local exchange carrier, is in the process of installing approximately 750 miles of fiber-optic cables throughout New Hampshire. As part of that installation, NHOS estimates it will need to attach its cables to approximately 23,000 utility poles. To make room on the poles for NHOS' attachments, the owners of the poles have directed existing third-party attachers to complete the necessary make-ready work by rearranging their facilities. According to NHOS' petition, some of the existing third-party attachers have demanded that their make ready work be performed at excessive rates and that NHOS pay the costs of the work in full prior to the work being performed. NHOS states that despite efforts to reach agreements with these existing third-party attachers no agreements on the costs have been reached and NHOS states that the disagreement over costs for make-ready work threatens its ability to complete its project.

According to NHOS' petition, the costs it has been required to pay are above the actual costs of performing the work, and are not just and reasonable. NHOS' petition also states that some existing third-party attachers are charging fees for services related to poles upon which those attachers have no attached facilities. Accordingly, NHOS requests that "the Commission investigate this matter, and establish the just and reasonable cost for third party make-ready work that is required to accommodate the NHOS pole attachments."

The filing raises, inter alia, issues related to the rates charged by third party attachers for make-ready work; the scope of make-ready work for which an existing third-party attacher may charge; and whether the rates and charges applicable to NHOS should apply to all make-ready work in New Hampshire. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on June 7, 2012 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, NHOS, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow NHOS to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, NHOS shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than May 24, 2012, in a newspaper with general circulation in those portions of

the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before June 7, 2012; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to NHOS and the Office of the Consumer Advocate on or before June 5, 2012, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before June 7, 2012.

By order of the Public Utilities Commission of New Hampshire this eleventh day of May, 2012.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

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
EXECUTIVE 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.