

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 13-037

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Request to Construct and Maintain Fiber Optic Cable
Over and Across Public Waters between Nashua and Portsmouth (Segment 18)**

Order *Nisi* Granting License

NOTICE OF ORDER NO. 25,472

March 12, 2013

SUMMARY OF ORDER

On February 7, 2013, New Hampshire Optical Systems, Inc. (NHOS) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables over and across public waters between Nashua and Portsmouth, New Hampshire. According to the petition, all of the proposed crossings will be placed between existing utility poles in existing public rights-of-way.

The crossings are located as follows:

- Windham: Beaver Brook crossing parallels the easterly side of Haverhill Road (Route 111), between utility poles E3A/57 – T3136/6 and E236/56 – T3136/5 (reference TID 236).
- Plaistow: Little River crossing parallels the southerly side of Main Street (Route 121), between utility poles E103/21 – T3/30 and E103/22 – T3/31 (reference TID 243).
- Plaistow: Little River crossing parallels the westerly side of Plaistow Road (Route 125), between utility poles E117/76 – T not tagged and E117/75 – T not tagged (reference TID 244).
- Nashua: Nashua River crossing east of Main Street, approximately 100 feet north of adjacent pole on Pearson Avenue between utility poles E926/18 – T not tagged and E201/9-1 – T not tagged (reference TID 310).
- Salem: Spicket River crossing parallels the northerly side of Bluff Street Extension, between utility poles E261/13 – T5701/12 and E261/14 – T5701/13 (reference TID 318).

- Salem: Widow Harris Brook crossing parallels the northerly side of Bluff Street Extension, between utility poles E279/7 – T5701/7 and E279/8 – T5701/8 (reference TID 319).

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2013/13-037.html>

Staff reviewed the petition and subsequently filed a memorandum stating that the proposed construction and designs conform with applicable sections of the NESC. Staff recommended 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, as required for approval under RSA 371:20. The petition is therefore approved on a *nisi* basis, subject to the conditions recommended by Staff.

NHOS is authorized by order *nisi* to construct, maintain and operate fiber optic and other lines over and across the public waters described in its petition and depicted in its filings. All persons interested in responding to this Order *Nisi* may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than March 29, 2013 for the Commission's consideration; and any party interested in responding to such comments or request for hearing shall do so no later than April 5, 2013. This Order *Nisi* shall be effective April 11, 2013, unless the Petitioner fails to satisfy the publication obligation set forth above 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.**