

EXHIBIT A: CenturyLink's Redlined Proposals

ADDITIONS:

DELETIONS:

CHAPTER Puc 1300 UTILITY POLE ATTACHMENTS

Statutory Authority: RSA 374:34-a

PART Puc 1301 PURPOSE AND APPLICABILITY

Puc 1301.01 Purpose. The purpose of Puc 1300, pursuant to the mandate of RSA 374:34-a, is to ensure rates, charges, terms, and conditions for pole attachments that are just, ~~and~~ reasonable **AND NON-DISCRIMINATORY**^[HP1]. Nothing in this rule shall be construed to supersede, overrule, or replace any other law, rule, or regulation, including municipal and state authority over public highways pursuant to RSA 231: 159, et seq.

Puc 1301.02 Applicability.

(a) Puc 1300 shall apply to:

(a) Public utilities within the meaning of RSA 362, including rural electric cooperatives for which a certificate of deregulation is on file pursuant to RSA 301 :57, that own, in whole or in part, any pole used for wire communications or electric distribution; ~~and~~

(b) Owners of poles in whole or in part that are providers of "VoIP service" or "IP-enabled service." as such terms are defined in RSA 362:7. I; and

~~(c)~~ Attaching entities with facilities attached to such poles, or seeking to attach facilities to such poles.

PART Puc 1302 DEFINITIONS

Puc 1302.01 "Attaching entity" means a natural person or an entity with a statutory or contract right to attach a facility of any type to a pole, including but not limited to, telecommunications providers, cable television service providers, incumbent local exchange carriers, ~~excepted competitive~~ local exchange carriers, ~~wireless service providers, information service providers,~~ electric utilities, and governmental entities.

Puc 1302.02 "Boxing" means the placement of lines or cables on both the road side and the field side of a pole.

Puc 1302.03 "Commission" means the New Hampshire public utilities commission.

Puc 1302.04 "~~Excepted local exchange carrier~~" means "~~excepted local exchange carrier~~" as defined in RSA 362:7, I (c), namely "(1) An incumbent local exchange carrier providing telephone services to 25,000 or more lines; or (2) An incumbent local exchange carrier providing service to less than 25,000 lines that elects to be excepted, upon the filing with the commission of a written notice advising of said election: or (3) Any provider of telecommunications services that is not an incumbent local exchange carrier."

Puc 1302.054 "Extension arm(s)" means a bracket attached to a utility pole to provide support for cables or wires at a distance from the pole.

Puc 1302.065 "Facility" means the lines, ~~and~~ cables, ~~wireless antennas,~~ and ~~any~~ accompanying appurtenances attached to a utility pole for the transmission of electricity, information, telecommunications, or video programming for the public or for public safety purposes.

Puc 1302.076 "Federal Communications Commission (FCC)" means the U.S. government agency established by the Communications Act of 1934 and charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

Puc 1302.087 "Make-ready work" means all work, including, but not limited to, rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced, or any other changes required to SOLELY TO accommodate the attachment of the facilities of the party requesting attachment to the pole. MAKE-READY WORK DOES NOT INCLUDE COSTS TO REMOVE ANY PREEXISTING DUPLICATE OR ABANDONED POLE NOR DOES IT INCLUDE THE COSTS TO BRING ANY PREEXISTING POLE OR EXISTING ATTACHMENT INTO COMPLIANCE WITH APPLICABLE STANDARDS OR CODES IF SUCH POLE OR ATTACHMENT WAS OUT OF COMPLIANCE PRIOR TO THE REQUEST FOR ACCESS^[HP2].

INSERT NEW DEFINITION OF "OVERLASH". "OVERLASH" IS NOT CONSIDERED AN ATTACHMENT AND MEANS THE TYING OR LASHING OF ADDITIONAL COMMUNICATIONS WIRES, CABLES, FIBER-SPLICE CLOSURES OR SIMILAR INCIDENTAL EQUIPMENT TO AN ATTACHER'S OWN EXISTING COMMUNICATIONS WIRES, CABLE OR SUPPORTING STRAND ALREADY ATTACHED TO POLES^[HP3].

Puc 1302.098 "Pole" means "pole" as defined in RSA 37:1:34 a, I, namely "any pole, duct, conduit or right-of-way that is used for wire communications or electricity distribution and is owned in whole or in part by a public utility, including a rural electric cooperative for which a certificate of deregulation is on file with the commission pursuant to RSA 301:57, or is owned in whole or in part by a provider of "VoIP service" or "IP-enabled service," as such terms are defined in RSA 362:7. I."

Puc 1302.109 "Prime rate" means the rate reported in the *Wall Street Journal* on the first business day of the month preceding the beginning of each calendar quarter, or the average of the rates so reported on that day.

Puc 1302.110 "Utility" means a "public utility" as defined in RSA 362:2, including a rural electric cooperative for which a certificate of deregulation is on file with the commission pursuant to RSA 301:57.

PART Puc 1303 ACCESS TO POLES

Puc 1303.01 Access Standard.

(a) Except as otherwise provided in (b) and (c) below, the owner or owners of a pole shall provide attaching entities access to such pole on terms that are just, reasonable, and nondiscriminatory. Such access shall include wireless facility attachments, including those above the communications space on the pole.

(b) Notwithstanding their obligation set forth in (a) above, the owner or owners of a pole may deny a request for attachment to such pole:

(1a) If when there is insufficient capacity on the pole;

(2b) For reasons of safety, reliability, or generally applicable engineering purposes; or

(3e) If when the pole owner(s) does not possess the authority to allow the proposed attachment.

(c) The owner or owners of the pole shall not deny a requested attachment under subsection (b)(1) or (b)(2) above if other make-ready work or another alternative can be identified that would accommodate the additional attachment.

Puc 1303.02 Owner Obligation to Negotiate. The owner or owners of a pole shall, upon the request of a person entitled to access under these rules seeking a pole attachment, negotiate in good faith with respect to

the terms and conditions for such attachment. UPON REQUEST, THE OWNER OR OWNERS OF A POLE SHALL PROVIDE THE REQUESTING ATTACHER WITH COPIES OF POLE ATTACHMENT AGREEMENTS WITH OTHER ATTACHERS[HP4].

Puc 1303.03 Requestor Obligation to Negotiate. A person entitled to access under these rules seeking a pole attachment shall contact the owner or owners of the pole and negotiate in good faith an agreement for such attachment.

Puc 1303.04 Request for Access and Response Requirements. THE TIMELINES AND PROCEDURES FOR ACCESS TO POLES SHALL COMPLY WITH THE TIME LIMITS AND PROCESSES FOR SUBMISSION OF REQUESTS, SURVEYS, ESTIMATES AND MAKE-READY AS SET FORTH IN 47 CFR §1.1420 THROUGH 47 CFR§1.1422 (AS MAY BE AMENDED FROM TIME TO TIME). ~~Requests made under these rules and pursuant to a pole attachment agreement for access to a utility's poles shall be in writing. Absent circumstances beyond the pole owner's control, such as *force majeure*, a survey for an application not exceeding 200 poles shall be completed and the results communicated to the applicant seeking to attach within 45 days of receiving a completed application and survey fee. Pole owners shall grant or deny access in writing within 45 days of receiving a complete request for access. The owner's denial of access shall be specific, shall include all relevant evidence and information supporting its denial, and shall explain how such evidence and information represent relate to the grounds for denial as specified in Puc 1303.01 for such denial~~[HP5].

[The relevant sections from the CFR that is referenced above includes the following:

§ 1.1420 Timeline for access to utility poles.

(a) The term "attachment" means any attachment by a cable television system or provider of telecommunications service to a pole owned or controlled by a utility.

(b) All time limits in this subsection are to be calculated according to § 1.4.

(c) Survey. A utility shall respond as described in § 1.1403(b) to a cable operator or telecommunications carrier within 45 days of receipt of a complete application to attach facilities to its utility poles (or within 60 days, in the case of larger orders as described in paragraph (g) of this section). This response may be a notification that the utility has completed a survey of poles for which access has been requested. A complete application is an application that provides the utility with the information necessary under its procedures to begin to survey the poles.

(d) Estimate. Where a request for access is not denied, a utility shall present to a cable operator or telecommunications carrier an estimate of charges to perform all necessary make-ready work within 14 days of providing the response required by § 1.1420(c), or in the case where a prospective attacher's contractor has performed a survey, within 14 days of receipt by the utility of such survey.

(1) A utility may withdraw an outstanding estimate of charges to perform make-ready work beginning 14 days after the estimate is presented.

(2) A cable operator or telecommunications carrier may accept a valid estimate and make payment any time after receipt of an estimate but before the estimate is withdrawn.

(e) Make-ready. Upon receipt of payment specified in paragraph (d)(2) of this section, a utility shall notify immediately and in writing all known entities with existing attachments that may be affected by the make-ready.

(1) For attachments in the communications space, the notice shall:

(i) Specify where and what make-ready will be performed.

(ii) Set a date for completion of make-ready that is no later than 60 days after notification is sent (or 105 days in the case of larger orders, as described in paragraph (g) of this section).

(iii) State that any entity with an existing attachment may modify the attachment consistent with the specified make-ready before the date set for completion.

(iv) State that the utility may assert its right to 15 additional days to complete make-ready.

(v) State that if make-ready is not completed by the completion date set by the utility (or, if the utility has asserted its 15-day right of control, 15 days later), the cable operator or telecommunications carrier requesting access may complete the specified make-ready.

- (vi) State the name, telephone number, and e-mail address of a person to contact for more information about the make-ready procedure.
- (2) For wireless attachments above the communications space, the notice shall:
 - (i) Specify where and what make-ready will be performed.
 - (ii) Set a date for completion of make-ready that is no later than 90 days after notification is sent (or 135 days in the case of larger orders, as described in paragraph (g) of this section).
 - (iii) State that any entity with an existing attachment may modify the attachment consistent with the specified make-ready before the date set for completion.
 - (iv) State that the utility may assert its right to 15 additional days to complete make-ready.
 - (v) State the name, telephone number, and e-mail address of a person to contact for more information about the make-ready procedure.
 - (f) For wireless attachments above the communications space, a utility shall ensure that make-ready is completed by the date set by the utility in paragraph (e)(2)(ii) of this section (or, if the utility has asserted its 15-day right of control, 15 days later).
 - (g) For the purposes of compliance with the time periods in this section:
 - (1) A utility shall apply the timeline described in paragraphs (c) through (e) of this section to all requests for pole attachment up to the lesser of 300 poles or 0.5 percent of the utility's poles in a state.
 - (2) A utility may add 15 days to the survey period described in paragraph (c) of this section to larger orders up to the lesser of 3000 poles or 5 percent of the utility's poles in a state.
 - (3) A utility may add 45 days to the make-ready periods described in paragraph (e) of this section to larger orders up to the lesser of 3000 poles or 5 percent of the utility's poles in a state.
 - (4) A utility shall negotiate in good faith the timing of all requests for pole attachment larger than the lesser of 3000 poles or 5 percent of the utility's poles in a state.
 - (5) A utility may treat multiple requests from a single cable operator or telecommunications carrier as one request when the requests are filed within 30 days of one another.
 - (h) A utility may deviate from the time limits specified in this section:
 - (1) Before offering an estimate of charges if the parties have no agreement specifying the rates, terms, and conditions of attachment.
 - (2) During performance of make-ready for good and sufficient cause that renders it infeasible for the utility to complete the make-ready work within the prescribed time frame. A utility that so deviates shall immediately notify, in writing, the cable operator or telecommunications carrier requesting attachment and other affected entities with existing attachments, and shall include the reason for and date and duration of the deviation. The utility shall deviate from the time limits specified in this section for a period no longer than necessary and shall resume make-ready performance without discrimination when it returns to routine operations.
 - (i) If a utility fails to respond as specified in paragraph (c) of this section, a cable operator or telecommunications carrier requesting attachment in the communications space may, as specified in § 1.1422, hire a contractor to complete a survey. If make-ready is not complete by the date specified in paragraph (e)(1)(ii) of this section, a cable operator or telecommunications carrier requesting attachment in the communications space may hire a contractor to complete the make-ready:
 - (1) Immediately, if the utility has failed to assert its right to perform remaining make-ready work by notifying the requesting attacher that it will do so; or
 - (2) After 15 days if the utility has asserted its right to perform make-ready by the date specified in paragraph (e)(1)(ii) of this section and has failed to complete make-ready.

§ 1.1422 Contractors for survey and make-ready.

- (a) A utility shall make available and keep up-to-date a reasonably sufficient list of contractors it authorizes to perform surveys and make-ready in the communications space on its utility poles in cases where the utility has failed to meet deadlines specified in § 1.1420.
- (b) If a cable operator or telecommunications carrier hires a contractor for purposes specified in § 1.1420, it shall choose from among a utility's list of authorized contractors.

(c) A cable operator or telecommunications carrier that hires a contractor for survey or make-ready work shall provide a utility with a reasonable opportunity for a utility representative to accompany and consult with the authorized contractor and the cable operator or telecommunications carrier.

(d) The consulting representative of an electric utility may make final determinations, on a nondiscriminatory basis, where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

Puc 1303.05 Authorization Required. No person may attach facilities to a pole without authorization in writing from the pole owner or owners prior to attaching such facilities, in accordance with Puc 1303.04. NOTWITHSTANDING THE FORGOING, AN ATTACHING ENTITY MAY OVERLASH TO ITS OWN EXISTING FACILITIES SO LONG AS WRITTEN NOTICE OF OVERLASH IS PROVIDED WITHIN 10 DAYS AFTER MAKING IT^[HP6].

Puc 1303.06 Notification.

(a) ~~The owner or owners of a~~ pole owner shall provide written notice to an attaching entity not less than 60 days' ~~written notice~~ prior to:

- (1) Removing any of that person's facilities;
- (2) Increasing any annual or recurring fees or rates applicable to the pole attachment; or
- (3) Modifying the facilities other than as part of routine maintenance or in response to an emergency. THE NOTIFICATION AND METHODS FOR MODIFICATION AND/OR REARRANGEMENT OF FACILITIES AS PART OF THE MAKE-READY WORK NECESSARY FOR A NEW ATTACHER ARE PROVIDED FOR IN SECTION^[HP7] PUC 1303.12.

(b) Attaching entities shall provide written notice to the owner or owners of a pole ~~owner or owners~~ no less than 60 days prior to:

- (1) Modifying an existing attachment other than as part of routine maintenance or in response to an emergency, or to install a customer drop line;
- (2) Increasing the load or weight on a pole by adding to an existing attachment, other than as part of routine maintenance or in response to an emergency, or to install a customer drop line; or
- (3) Changing the purpose for which an existing attachment is used.

(c) Separate and additional attachments are subject to pole attachment application and licensing processes.

Puc 1303.07 Installation and Maintenance.

(a) All attachments shall be installed in accordance with the National Electrical Safety Code, 2017 ~~2007~~ edition, available as specified in Appendix B, the National Electrical Code as adopted in RSA 155-A: 1, IV, and the SR-1421 *Blue Book-Manual of Construction Procedures, Issue 4, Telcordia Technologies, Inc. (20172007)*, available as specified in Appendix B, and in accordance with such other applicable standards and requirements specified in the pole attachment agreement.

(b) Any attachment shall be installed and maintained to prevent interference with service furnished by the utility pole owner or owners and any other attaching entity.

(c) ~~If~~ Where a pole or existing attachment is not in compliance with applicable standards and codes and must be brought into compliance before a new attachment can be added, the cost of bringing that pole or existing attachment into compliance OR THE COST TO REMOVE A DUPLICATE POLE THAT WAS NOT REMOVED WHEN A POLE WAS REPLACED EARLIER^[HP8] shall not be assessed ~~shifted~~ to or imposed on the entity seeking to add a new attachment.

Puc 1303 .08 Labeling of Attachments. Attaching entities shall clearly label their attachments with owner identification.

Puc 1303.09 Location of Attachments. ~~No attaching entity shall be denied attachment solely because a wireless facility is to be located above the communications space on a pole.~~ No attaching entity shall be denied attachment solely because the only space available for attachment on a pole is below the lowest attached facility. If the owner of the lowest facility chooses to relocate its existing facilities to a lower allowable point of attachment so that a new attachment will be located above that owner's existing facilities, that owner shall bear 60 percent of the cost of relocation and ~~the new attaching entity shall bear the remaining 40 percent of the cost of relocation, except if and to the extent that~~ where Puc 1303.07(c) is applicable applies.

Puc 1303.10 Boxing of Poles. Pole owners may restrict the practice of boxing poles consistent with the restrictions it places on its own practice of boxing poles as defined in the company's written methods and procedures. Such boxing shall be safely accessible by bucket trucks, ladders, or emergency equipment and otherwise consistent with the requirements of applicable codes, including the National Electrical Safety Code. Boxing may be permitted only with express, written authorization by the pole owner. Pole owners shall grant or deny permission to use boxing, in writing, within 30 days of receiving a request. An owner's denial of the use of boxing shall be specific, shall include all relevant information supporting its denial, and shall explain how such information supports denial.

Puc 1303.11 Use of Extension Arms. Pole owners shall allow limited, reasonable use of extension arms by attaching entities for purposes of clearing obstacles or improving alignment of attachment facilities. Under no circumstances may extension arms be used to avoid tree trimming requirements. Any use of extension arms shall be consistent with the requirements of applicable codes, including the National Electrical Safety Code. Extension arms may be permitted only with express, written authorization by the pole owner. Pole owners shall grant or deny permission to use extension arms, in writing, within 30 days of receiving a request. An owner's denial of use of extension arms shall be specific, shall include all relevant information supporting its denial, and shall explain how such information supports denial.

Puc 1303.12 Make-Ready Work Timeframes. ~~Unless otherwise agreed by parties to a pole attachment agreement, pole make-ready work involves 300 poles or fewer, the owner or owners of a pole shall ensure that all complete make-ready work is completed within 150 days after any required pre-payments are rendered for make-ready work estimates provided to the attaching entity by the pole owner or owners of the pole. If where make-ready work involves requires 10 poles or fewer less and no pole replacements, the all make-ready work shall be completed within 45 days after any required pre-payments for estimates are rendered. If make-ready work involves more than 300 poles, the owner or owners of a pole and the attaching entity shall negotiate a schedule for completion of such make-ready work in good faith.~~ **THE TIMELINES AND PROCEDURES FOR COMPLETION OF MAKE-READY WORK SHALL COMPLY WITH THE TIME LIMITS AND PROCESSES AS SET FORTH IN 47 CFR §1.1420 THROUGH 47 CFR§1.1422 (AS MAY BE AMENDED FROM TIME TO TIME).**

PART Puc 1304 DISPUTE RESOLUTION

Puc 1304.01 Voluntary Agreements. A pole attachment agreement submitted to the commission for adjudication shall be deemed a voluntary agreement pursuant to RSA 374:34-a, VII. A party filing a petition under this part shall have the burden of proving that an agreement is not just, reasonable, and nondiscriminatory.

Puc 1304.02 Lack of Agreement. A person requesting a pole attachment and entitled to access under these rules and unable, through good faith negotiation, to reach agreement with the owner or owners of a pole or poles subject to this chapter, may petition the commission pursuant to Puc 203 for an order establishing the rates, charges, terms, and conditions for the pole attachment or attachments. Such a petition shall include the

information required for complaints to the FCC made pursuant to the terms of 47 CFR §1.1404(d) through (m) in effect AT THE TIME OF THE DISPUTE on [HP9] ~~October 1, 2017~~ July 16, 2007.

Puc 1304.03 Dispute Following Agreement or Order. A party to a pole attachment agreement, or a party subject to an order of the commission establishing rates, charges, terms, or conditions for pole attachments, may petition the commission pursuant to Puc 203 for resolution of a dispute arising under such agreement or order.

Puc 1304.04 Unauthorized Attachments. A pole owner may, but is not obligated to, petition the commission pursuant to Puc 203 for an order directing the removal of facilities that are attached to a pole without authorization pursuant to this chapter.

Puc 1304.05 Procedure. Upon receipt of a petition pursuant to this part, the commission shall conduct an adjudicative proceeding pursuant to Puc 203 to consider and rule on the petition, and shall provide notice to affected municipalities to the extent required by RSA 541-A:39. AT LEAST ONE BUSINESS DAY PRIOR TO FILING A COMPLAINT, THE COMPLAINANT SHALL CALL THE CONTACT FOR THE PARTY WITH WHOM THERE IS A DISPUTE AND GIVE NOTICE THAT THEY ARE PLANNING TO FILE A COMPLAINT REQUESTING EXPEDITED TREATMENT.

- (a) FILING THE COMPLAINT – THE COMPLAINANT FILES THE COMPLAINT WITH THE COMMISSION’S ELECTRONIC FILING SYSTEM AND EMAILS THE RESPONDING PARTY AND THE [INSERT NAME OF COMMISSION CONTACT]. THE COMPLAINT SHALL CONTAIN SUFFICIENT INFORMATION TO INDICATE THE FACTS UNDERLYING THE COMPLAINT, THE HARM WHICH IS RESULTING OR COULD RESULT DUE TO THE DISPUTE, A DESCRIPTION OF THE STEPS TAKEN TO RESOLVE THE SITUATION PRIOR TO THE FILING, WHETHER THE COMPLAINANT IS REQUEST A PRELIMINARY FINDING, AND DATE/TIME BOTH PARTIES ARE AVAILABLE FOR A CONFERENCE CALL ON THE 2ND BUSINESS DAY AFTER THE COMPLAINT IS FILED.
- (b) RESPONSE TO THE COMPLAINT – THE RESPONDENT MUST ACKNOWLEDGE RECEIPT OF THE COMPLAINT BY RESPONDING BY EMAIL, AND COPYING [INSERT NAME OF COMMISSION CONTACT]. THE RESPONDENT MAY RESPOND TO THE FACTUAL ISSUES IN THE COMPLAINT OR ARGUE THE COMPLAINT SHOULD BE DISMISSED OR IS NOT RIPE FOR REVIEW. THE [INSERT NAME OF COMMISSION CONTACT] WILL SCHEDULE A TIME FOR PRELIMINARY CONFERENCE CALL WITHIN 2 BUSINESS DAYS OF THE DATE OF THE FILING OF THE COMPLAINT.
- (c) PRELIMINARY CONFERENCE CALL AND EXPEDITED DISPUTE RESOLUTION PROCESS.
 - 1 DURING THE PRELIMINARY CONFERENCE CALL, THE RESPONDENT MAY PROVIDE AN ORAL RESPONSE; THE DEADLINE FOR WRITTEN RESPONSE MAY BE ESTABLISHED; THE [INSERT COMMISSION CONTACT] MAY ESTABLISH REQUEST ADDITIONAL INFORMATION AND SET A SCHEDULE FOR ITS PRODUCTION, SCHEDULE FOLLOW-UP TELEPHONE CONFERENCE OR ISSUE A PRELIMINARY FINDING.
 - 2 EITHER PARTY MAY APPEAL TO THE COMMISSION AN ADVERSE PRELIMINARY FINDING OR DISMISSAL.
- (d) NOTICE OF DECISION AND FINAL ORDER. IF REQUIRED BY [INSERT NAME OF COMMISSION CONTACT], A FINAL CONFERENCE CALL MAY BE HELD AT WHICH THE FOLLOWING MAY OCCUR: CLOSING ARGUMENTS ARE HEARD AND A FINAL ORAL DECISION IS ISSUED, OR A TIME IS SCHEDULED FOR A WRITTEN DECISION, WHICH SHALL BE NO LATER THAN 7 BUSINESS DAYS AFTER THE COMPLAINT WAS FILED UNLESS ADDITIONAL TIME IS AGREED TO BY THE PARTIES. WITHIN 5 DAYS AFTER THE WRITTEN DECISION IS ISSUED, A PARTY MAY APPEAL THE WRITTEN DECISION TO THE FULL COMMISSION OR REQUEST A STAY UNTIL CONSIDERED BY THE FULL COMMISSION [HP10].

Puc 1304.06 Rate Review Standards.

(a) In determining just and reasonable rates for the attachments of ~~competitive local exchange carriers and cable~~ television service providers, wireless service providers, information service providers that are not

incumbent local exchange carriers, and excepted local exchange carriers that are not incumbent local exchange carriers to poles owned by electric utilities and/or incumbent local exchange carriers or electric utilities under this chapter, the commission shall consider:

- (1) Relevant federal, state, or local laws, rules, and decisions;
- (2) The impact on competitive alternatives;
- (3) The potential impact on the pole owner and its customers;
- (4) The potential impact on the deployment of broadband services;
- (5) The formulae adopted by the FCC in 47 C.F.R §1.1409(c) through (t) in effect AT THE TIME OF THE DISPUTE on ~~(HP11) October 1, 2017~~ July 16, 2007; and

(6) Any other interests of the subscribers and users of the services offered via such attachments or consumers of any pole owner providing such attachments, as may be raised.

(b) In determining just and reasonable rates for all other attachments under this chapter, the commission shall consider:

- (1) Relevant federal, state, or local laws, rules, and decisions;
- (2) The impact on competitive alternatives;
- (3) The potential impact on the pole owner and its customers;
- (4) The potential impact on the deployment of broadband services; and
- (5) Any other interests of the subscribers and users of the services offered via such attachments or consumers of any pole owner providing such attachments, as may be raised.

Puc 1304.07 Remedies. When the commission determines just and reasonable rates under this part that differ from the rates paid by the petitioner, the commission shall order a payment or refund, as appropriate. Such refund or payment shall be the difference between the amount actually paid and the amount that would have been paid under the rates established by the commission, plus interest, as of the date of the petition.

Puc 1304.08 Interest. Refunds or payments ordered under Puc 1304.07 shall accrue simple annual interest at a rate equal to the prime rate.

Main document changes and comments

Page 1: Commented [HP1] **Hollick, Pamela** **1/29/2018 9:16:00 AM**

See RSA 374:34-a(VI) which requires "Any pole owner shall provide nondiscriminatory access to its poles for the types of attachments regulated under this subdivision."

Page 2: Commented [HP2] **Hollick, Pamela** **1/29/2018 9:18:00 AM**

New attachers should not be responsible for the costs of remedying past violations or removing old poles that should have been removed prior to the new attachment.

Page 2: Commented [HP3] **Hollick, Pamela** **1/29/2018 9:28:00 AM**

Definition of Overlash taken from Maine PUC rules and additional provision added to clarify that overlash of fiber is not a new attachment.

Page 3: Commented [HP4] **Hollick, Pamela** **1/29/2018 9:21:00 AM**

Consistent with the obligations to provide non-discriminatory access to poles, the new attacher needs the ability to review other pole attachment agreements to ensure it is obtaining non-discriminatory terms and conditions for attachment.

Page 3: Commented [HP5] **Hollick, Pamela** **1/29/2018 9:59:00 AM**

This edit incorporates the FCC time frames for attachment into the rule allowing consistency and taking advantage of the FCC's work in streamlining the attachment process.

Page 5: Commented [HP6] **Hollick, Pamela** **1/29/2018 9:30:00 AM**

Addition of Overlashing language to clarify that prior written notice is not required is consistent with FCC rules and taken from Maine PUC rules.

Page 5: Commented [HP7] **Hollick, Pamela** **1/29/2018 9:36:00 AM**

Addition is necessary to clarify that existing attachers are not given 60 days notice prior to the start of make-ready work and the separate time-lines apply.

Page 5: Commented [HP8] **Hollick, Pamela** **1/30/2018 2:12:00 PM**

Consistent with the proposed change to 1302.08, the new attacher should not be responsible for the costs of removing old poles that should have been removed.

Page 6: Commented [HP9] **Hollick, Pamela** **1/30/2018 9:17:00 AM**

The FCC has an open docket to address revision of its pole attachment rules. This change will allow the New Hampshire rule to automatically update to include the current rule as amended from time to time.

Page 7: Commented [HP10] **Hollick, Pamela** **1/30/2018 9:48:00 AM**

This expedite dispute section is based on the Maine Expedited Complaint Resolution Process recently incorporated into its Pole Attachment rules. See Chapter 880, Case No. 2017-00247.

Page 8: Commented [HP11] **Hollick, Pamela** **1/30/2018 10:00:00 AM**

The FCC has an open docket which may result in amendment to its rules revising the formula. This edit will avoid having to implement another rulemaking in New Hampshire just to update references to the CFR effective date.

Header and footer changes

Text Box changes

Header and footer text box changes

Footnote changes

Endnote changes