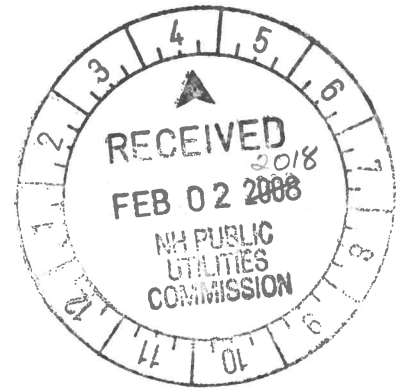




February 2, 2018

Debra A. Howland  
Executive Director and Secretary  
N.H. Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, N.H. 03301



**RE:     DRM 17-139: Puc 1300 Rules**  
          **Comments of Unitil Energy Systems, Inc.**

Dear Ms. Howland,

Unitil Energy Systems, Inc. ("Unitil" or the "Company") hereby submits, pursuant to the Public Utility Commission's Order of Notice dated December 8, 2017, the Company's written comments regarding the proposed readoption and amendment of the Puc 1300 rules.

Unitil believes that the existing Puc 1300 rules strike the appropriate balance between Commission oversight and the ability of pole owners and attaching entities to negotiate arms-length agreements regarding pole attachments. Numerous parties have acknowledged, during the course of this docket, that there are very few if any disputes over pole attachments in the State of New Hampshire, which suggests that the rules are appropriately designed and require little amendment. To the extent that certain parties suggested, at the recent January 24, 2018 public hearing, that the Commission should further amend these rules to incorporate, wholesale, elements of the Federal Communications Commission (FCC) pole attachment framework, Unitil disagrees. The reverse pre-emption provisions in 42 U.S.C. § 224 clearly recognize that an individual state is in the best position to craft a jurisdiction-specific framework, and New Hampshire's rules have worked well in this context.

Unitil does have limited comments with respect to the proposed amendments now before the Commission. The New Hampshire Electric Co-operative expressed concerns during the public hearing that the language of Puc 1303.01 and 1303.09 now expressly allow for access above the communications space on poles. To the extent that these amendments are adopted by the Commission, it should be made clear that such access remains subject to, and is not

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inconsistent with, the pole-owner's absolute right to deny a request for a pole attachments for reasons related to insufficient capacity, safety, reliability, or generally applicable engineering purposes. Attachments in the electric space present significant safety concerns and there should be no infringement upon the electric companies' ability to maintain the safety of their poles and the reliability of service that is dependent upon the integrity of those poles.

At the public hearing, and in comments submitted to the Commission today, certain parties have recommended adoption of FCC make-ready timeframes and the FCC rate formulae. Unitil disagrees, for reasons stated above. None of the parties that provided comments demonstrated or even alleged that the current time frames in the rules (Puc 1303.12) are unreasonable or causing undue delay in the completion of make-ready work, or that the FCC time frames are demonstrably superior to those already in place. With respect to rates, RSA 374:34-A says that the Commission will intervene to "regulate and enforce rates, charges, terms and conditions" for pole attachments only when a pole owner is unable to reach agreement with a party seeking pole attachments. RSA 374:34-A, II. Thus, it would be inconsistent with the governing statute for the Commission to mandate application of the FCC formulae in lieu of allowing the parties to negotiate agreements. Furthermore, the FCC formulae are already among the criteria that the Commission will consider when determining just and reasonable rates for attachments. It is appropriate that the Commission retain the variety of criteria set forth in Puc 1304.06, rather than relying exclusively on the FCC formulae, which would effectively adopt such formulae.

Finally, Unitil agrees with PSNH's comments regarding any amendment that would (1) allow third party attachers to hire contractors to relocate electrical facilities on the pole or (2) make pole owners responsible for ensuring that all attachers move their facilities within specified time frames. Neither amendment is included in the draft before the Commission, but to the extent that other parties suggest such amendments, the Commission should not include them.

Unitil appreciates the opportunity to provide these comments and participate in this rulemaking proceeding. The Company notes that it has not addressed every proposal or comment raised by parties at the public hearing or in writing, and that omitting comment on such issues in this letter does not indicate agreement or assent.



Please do not hesitate to contact me should you have any questions regarding the Company's comments.

Regards,

A handwritten signature in black ink, appearing to read "P. H. Taylor", with a long horizontal flourish extending to the right.

Patrick H. Taylor