

**BEFORE THE
NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
Docket DT 20-104**

**Town of Durham Department of Public Works Complaint Against Consolidated
Communications
Consolidated Communications of Northern New England Company, LLC's Response to
Complaint dated June 18, 2020**

NOW COMES, Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications – NNE (“Consolidated”) and hereby respectfully responds to the complaint filed in the form of a letter dated June 18, 2020 (the “Complaint”), from the Town of Durham, New Hampshire (the “Town”) as follows:

I. Dual Poles in Durham

1. Consolidated admits that, in general, it is a joint owner of utility poles in the Town.

Consolidated also notes that at times Eversource and Consolidated have made arrangements whereby Eversource sets new poles and owns those new poles 100%. In such cases Consolidated is an attacher similar to all other attachers to the poles. For poles that Consolidated jointly owns, Eversource is the other joint owner, with each party owning an undivided fifty percent (50%) interest in the poles. Durham is in Consolidated's maintainence area; meaning for this Town that, generally, Consolidated is responsible for placing and removing joint owned poles.

2. Upon receipt of the Compalint, Consolidated has performed a field review and confirmed that there are approximately 60 poles that require transfers and removal in the Town on

or around Durham Point Road. Consolidated has begun performing those removals and expects to have all removals completed during September 2020.

3. Pursuant to RSA 365:3, Consolidated is willing to remedy the situation complained of and, therefore, Consolidated respectfully requests the Commission hold the matter in abeyance until the end of September 2020 at which time, if all pole removals are complete, it can close the Complaint. Consolidated will update the Commission of the status of the poles removal via a status report filed on or before Friday, October 2, 2020.

II. Pole Removal Time frames

4. With respect to the broader call for a “policy” from the Commission, Consolidated notes that the New Hampshire Legislature is in the process of determining whether or not a policy should be established regarding so called dual poles. In this current session, a bill that would require removal of a dual utility pole within 6 months was before the Legislature.¹ The Legislature subsequently amended the bill to remove the requirement to remove dual poles within a certain timeframe. It was not the intent of the Legislature at this time that there be a requirement to put a timeframe on the removal of dual poles. There is no statute in New Hampshire that mandates a timeframe for removal of dual poles.
5. Overall, the replacement of a utility pole can be an extensive and complicated endeavor. Nearly all such poles contain multiple attachments and, therefore, can take extended periods of time until all transfer and removal work is complete. For nearly all poles throughout Northern New England, Consolidated has installed its attachments at the lowest point on the utility poles. This practice dates back to the timeframe of New England Tel. & Tel.

¹ See HB 1111.

Prior to Consolidated being in a position to relocate its attachments to another utility pole, all other attachers first must relocate their facilities to the newly installed poles.

6. Consolidated, as the lowest attacher on the pole, typically must wait for four (4) or five (5) other parties to dispatch personnel and truck(s), and remove their equipment before Consolidated can begin to perform its work.
7. In addition, Consolidated along with nearly all other telecommunications providers, as well as Eversource, utilize the pole work notification process known as “NJUNS”.² Once Eversource removes its electrical facilities from an older pole and completes the installation work on the new poles, it notifies (or is supposed to notify) all other attachers through NJUNS of the completion of the Eversource work. All other attachers then must wait for the telecommunication provider which is “next-to-go” to (i) relocate attachments from the old pole to the new pole and (ii) update NJUNS with a notice that its work is complete.
8. The above referenced NJUNS notification process then repeats until Consolidated is notified by NJUNS that it is the “next-to-go”. The amount of time that lapses between the time Eversource updates NJUNS and all other attachers complete their respective work and update NJUNS varies greatly by project and by company. The work of the other utilities is out of Consolidated’s span of control.
9. Additionally, telecommunications companies have many competing priorities that are in the public interest, including increasing broadband availability often in rural hard to serve areas, maintaining service and upgrading equipment in order to provide more robust

² “NJUNS” means National Joint Utilities Notification System. NJUNS allows its members to communicate and track field workflow regarding joint utility ventures, such joint pole administration and joint trench coordination.

service. Pole removal projects therefore may not complete as quickly as some municipalities would prefer.

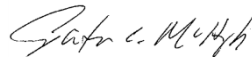
III. Conclusion

For all the reasons stated above, Consolidated believes the Commission should hold the complaint in abeyance in order to give Consolidated an opportunity to remedy the situation, file the aforementioned status report on or before October 2, 2020, and close the Complaint following the completion of such work.

Dated at Manchester, New Hampshire, as of this 16th day of July, 2020

Dated: July 16th, 2020

CONSOLIDATED COMMUNICATIONS OF
NORTHERN NEW ENGLAND COMPANY, LLC
D/B/A/ CONSOLIDATED COMMUNICATIONS –
NNE



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