

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** August 21, 2020  
**AT (OFFICE):** NHPUC

**FROM:** ~~W~~Kath Mullholand, Director, Regulatory Innovation and Strategy

**SUBJECT:** DT 20-104, Complaint by Town of Durham Public Works, City of Dover, City of Portsmouth, City of Somersworth, Town of Newmarket, and Town of Exeter against Consolidated Communications Staff Recommendation

**TO:** Commissioners  
Debra Howland, Executive Director

**CC:** David K. Wiesner, Director, Legal Division

On July 1, 2020, the Town of Durham filed a “Formal Complaint against Consolidated Communications Regarding Double Utility Poles” (the Complaint) on behalf of itself and the Cities or Towns of Dover, Portsmouth, Somersworth, Exeter, Newington, and Newmarket (collectively, the Seacoast Area Cities and Towns). The Commission forwarded the complaint to Consolidated Communications of Northern New England, LLC (Consolidated), requesting a response no later than July 16.

On July 14, the Office of the Consumer Advocate (OCA) filed its intent to participate in the docket on behalf of residential ratepayers. Consolidated responded to the Complaint on July 16. The Town of Durham requested changes to the service list in this docket on July 20. On July 31, the City of Dover filed a supplement to the Complaint, providing additional details with respect to double poles in Dover. On August 19, the City of Somersworth filed supplemental information regarding double poles located in Somersworth.

Commission Staff (Staff) has also spoken informally with representatives of the Seacoast Area Cities and Towns, and has attended legislative meetings on this topic, and Staff is therefore aware that at least one other municipality has complained about this issue to its representative.

Consolidated limited its response to the details in the original Complaint, namely the double poles identified in the Town of Durham, and requested time to address the double poles in that community before the Commission takes up this matter.

Staff believes there is sufficient evidence both on and off the record to justify further investigation into the issue of double poles and to resolve the disputes described by the Seacoast Area Cities and Towns in the Complaint. Staff notes that the original Complaint and supplemental filings raise safety issues as well as access and aesthetic concerns.

Staff recommends that the Commission commence an adjudicative proceeding to address the issues raised in the Complaint, pursuant to the Commission's procedural rules, N.H. Admin. R., Puc 204.05.