

DT 99-118

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

Petition for License to Construct and Maintain a Multiple-wire Line Over and Across the Public Waters of Lake Winnepesaukee in the Town of Moultonboro, New Hampshire

Order NISI Granting License for Multiple-wire Line Over and Across Public Waters

O \_ D E \_ N O. \_\_\_\_\_

August 30, 1999

The Petitioner, New England Telephone and Telegraph Company (Bell Atlantic), filed on August 17, 1999, a petition under RSA 371:17 for authority to construct and maintain a new multiple-wire line at an existing electric line crossing of Lake Winnepesaukee to Big Goodwin Island off Gilman Point Road in Moultonboro for the purpose of providing telecommunication services to residents of the island.

In support of their petition, Bell Atlantic submitted a locus map and plan view of construction. The proposed crossing will be 290 feet of multiple-wire line from existing New Hampshire Electric Cooperative, Inc. poles 14409/20.2 and 14409/20.3.

All construction will be done in upland areas and no impact to the surrounding waters will occur and no wetland permit will be required. Bell Atlantic has stated, and Staff agrees, that the use and enjoyment by the public of these public waters will not be diminished in any way as a result of the proposed multiple-wire line.

Bell Atlantic has attested and Staff agrees that the construction of the multiple-wire line will meet or exceed the requirements of the National Electrical Safety Code (NESC).

In order to establish reliable service to the public, Bell Atlantic must construct communication lines over and across certain public waters. The definition of public waters contained in RSA 371:17 includes "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe." The Commission prescribes this crossing to be across public waters.

The Commission finds such crossings necessary for Bell Atlantic to meet its obligation to provide reliable telecommunication services within its authorized franchise area. Accordingly, we find that the crossing is in the public good. Therefore, we will approve the petition on a Nisi basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

**Based upon the foregoing, it is hereby**

**ORDERED NISI**, that Bell Atlantic is authorized, pursuant to RSA 371:17 et seq., to construct, maintain, and operate the multiple-wire line over and across Lake Winnepesaukee in Moultonboro, New Hampshire depicted on drawings submitted August 17, 1999, and on file with this Commission; and it is

**FURTHER ORDERED**, that all construction and future

reconstruction to this approved crossing shall conform to the requirements of the NESC and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED,** that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than September 7, 1999 and to be documented by affidavit filed with this office on or before September 13, 1999; and it is

**FURTHER ORDERED,** that the petitioner notify the Town of Moultonboro, New Hampshire of this matter by serving a copy of this order on the Town Clerk by first-class mail postmarked no later than September 7, 1999; and it is

**FURTHER ORDERED,** that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than September 17, 1999; and it is

**FURTHER ORDERED,** that any party interested in responding to such comments or request for hearing shall do so no later than September 22, 1999; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective September 24, 1999, unless the Commission provides otherwise in a supplemental order issued prior to the effective

date.

By order of the Public Utilities Commission of New  
Hampshire this thirtieth day of August, 1999.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary