

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DT 11-006**

**TELJET LONGHAUL OF NEW HAMPSHIRE LLC**

**Petition for License to Construct and Maintain Fiber Optic Cables  
Over and Across Stony Brook and the Souhegan River in Wilton  
and Over and Across the Contoocook River in Peterborough**

**Order *Nisi* Granting License**

**ORDER NO. 25,232**

**June 14, 2011**

On January 13, 2011, Teljet Longhaul LLC (Teljet) filed petitions with the Commission for licenses to construct and maintain fiber optic cables over and across the Stony Brook and the Souhegan River in Wilton, New Hampshire, and over and across the Contoocook River in Peterborough, New Hampshire. Teljet, a competitive local exchange carrier authorized to operate in the State of New Hampshire, proposes to expand its existing fiber network to provide telecommunications services to customers in the state, noting in its petition that construction of the new fiber optic cables is required to meet reasonable requirements of service to the public. According to each petition, no permits from the New Hampshire Department of Transportation (DOT) or Department of Environmental Services (DES) are required for the construction of the proposed crossings. Teljet notes that each of the crossings has been designed by and will be constructed, maintained and operated by Teljet Longhaul LLC, its affiliates and contractors.

**Stony Brook Crossing - Wilton.** The crossing proposed over and across the Stony Brook in Wilton consists of a fiber optic cable placed between two existing utility poles set approximately 158 feet apart and jointly owned by Public Service of New Hampshire (PSNH),

TDS Telecommunications Corp. (TDS), and FairPoint Communications (FairPoint). PSNH, TDS, FairPoint and Comcast facilities are attached to each pole. The pole on the northwest side of Stony Brook, pole number 6/1:4/1:342, is approximately 50 feet tall. The pole on the southeast side of Stony Brook, pole number 10/30:3/1, is approximately 40 feet tall. The Teljet fiber optic cable attachment will consist of a cable strand (nominal diameter of ¼ inch, 7-strand steel EHS) and one non-self-supporting cable (with an added diameter of 0.858 inch and added weight of 0.196 pounds per foot). According to the petition, the cable strand and non-self-supporting cable will be sagged using heavy load conditions (0 degrees Fahrenheit, 4.0 pounds per square foot wind loading, and ½-inch radial ice) with a maximum tension of 1,680 pounds under that load.

Teljet states in its petition that, based on the research and field inspection of its consulting engineer, Stony Brook has been classified as a waterway not suitable for sail boating, pursuant to the National Electrical Safety Code (NESC) Table 232-1, and that Stony Brook provides access into the larger waterway of the Souhegan River.

**Souhegan River Crossing - Wilton.** The crossing proposed over and across the Souhegan River in Wilton consists of a fiber optic cable placed between two existing utility poles set approximately 173 feet apart and jointly owned by PSNH, TDS, and FairPoint. PSNH, TDS, FairPoint and Comcast facilities are attached to each pole. The pole on the north side of the Souhegan River, pole number 40/2:4/5:2, is approximately 50 feet tall. The pole on the south side of the Souhegan River, pole number 4/1:4/6:1, is approximately 45 feet tall. According to the petition, no make-ready work was required for Teljet to attach to these poles. The Teljet fiber optic cable attachment will consist of a cable strand (nominal diameter of ¼ inch, 7-strand steel EHS) and one non-self-supporting cable (with an added diameter of 0.858 inch and added

weight of 0.196 pounds per foot). According to the petition, the cable strand and non-self-supporting cable will be sagged using heavy load conditions (0 degrees Fahrenheit, 4.0 pounds per square foot wind loading, and ½-inch radial ice) with a maximum tension of 1,857 pounds under those conditions.

Teljet states in its petition that the requested license may be exercised without affecting the rights of the public in the public waters of the Souhegan River in Wilton. Teljet further notes that minimum safe line clearances above the water surface and affected shorelines will be maintained at all times, and that the use and enjoyment by the public of the waterway will not be diminished in any material respect as a result of the overhead line crossing.

**Contoocook River Crossing - Peterborough.** The crossing proposed over and across the Contoocook River in Peterborough consists of a fiber optic cable placed between two existing utility poles set approximately 180 feet apart and solely owned by PSNH. The new line will cross the Contoocook River along the north side of the Route 101/Wilton Road Bridge. The pole on the west side of the Contoocook River, pole number 28/4, is approximately 40 feet tall. The pole on the east side of the Contoocook River, pole number 28/5, is approximately 45 feet tall. The Teljet fiber optic cable attachment will consist of a cable strand (nominal diameter of ¼ inch, 7-strand steel EHS) and one non-self-supporting cable (with an added diameter of 0.858 inch and added weight of 0.196 pounds per foot). According to the petition, the cable strand and non-self-supporting cable will be sagged using heavy load conditions (0 degrees Fahrenheit, 4.0 pounds per square foot wind loading, and ½-inch radial ice) with a maximum tension of 1,910 pounds under those conditions.

Teljet states in its petition that, based on the research and field inspection of its consulting engineer, the Contoocook River has been classified as a waterway not suitable for sail boating,

pursuant to NESC Table 232-1, and that the river does not provide access into any larger waterway.

RSA 371:17 requires utilities and corporations to petition the Commission for a license to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or across any public waters of the state whenever such facilities are necessary to meet the reasonable requirements of service to the public. In this proceeding, while Teljet's engineer may have determined that Stony Brook in Wilton and the Contoocook River in Peterborough are not suitable for sail boating under NESC criteria, segments of both are listed on the DES official list of public rivers and streams. *See* [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm). As a result, we determine that notice to the DES of the proposed crossings is warranted.

On June 6, 2011, and June 10, 2011, Staff filed memoranda recounting its review of Teljet's petitions pursuant to RSA 371:17. Staff's review included an examination of the technical details of the facilities in question, compliance with NESC requirements, the applicability of other state agency permitting requirements, and land ownership associated with the crossing. According to Staff, Teljet filed revised petitions and attachments for all three crossings on April 21, 2011, based on comments from Staff during its review of representations made in the initial petitions.

Based on its field inspection and review of the petitions and attachments, the Safety Division determined that the proposed crossings will conform to the standards established by the NESC C2-2007, as required by N.H. Code Admin. Rules Puc 1303.07 Installation and Maintenance of Utility Pole Attachments, and the standards established by NESC CW-2002, as required by Puc 433.01 Standard Practice in Construction, Operation, and Maintenance.

Staff notes that because Teljet's cable facility will cross the roadway that crosses Stony Brook but will not cross directly over the water itself, a license is not required under RSA 371:17. Staff further notes that field inspections and a document search revealed no record of licenses for the PSNH, Comcast, FairPoint or TDS facilities at either the Stony Brook or the Souhegan River crossing locations.

Staff recommends approval of the Souhegan River crossing in Wilton and the Contoocook River crossing in Peterborough with the following conditions: 1) that all future alterations to the crossings conform to the requirements of both the 2002 and 2007 editions of the NESC and be submitted to the Commission 60 days prior to any alteration; and 2) that Teljet be required to maintain and operate the crossings in conformance with the NESC or risk future revocation of the license. Staff further recommends that PSNH, Comcast, FairPoint and TDS be required to submit license applications for their facilities crossing the Souhegan River in Wilton within 60 days of the effective date of this order.

Based on the record information presented by Teljet, the review and recommendations of the Safety Division as set forth in Staff's June 6, 2011 and June 10, 2011 memoranda, we find the crossings at issue to be necessary for Teljet to meet the reasonable requirements of reliable service to the public, and that the licenses may be exercised without substantially impacting public rights with respect to the affected public water bodies. We agree with Staff that the crossing over the roadway which crosses Stony Brook in Wilton does not require a license under RSA 371:17. We find that the crossings over and across the Souhegan River in Wilton and the Contoocook River in Peterborough are in the public good and therefore approve the petitions on a *nisi* basis in order to provide any interested party the opportunity to submit comments on

Teljet's petitions or to request a hearing. Accordingly, we grant Teljet's request for licenses to construct and maintain fiber optic cables at the crossings in question.

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

**ORDERED *NISI***, that subject to the effective date below, Teljet is authorized, pursuant to RSA 371:17 *et seq.*, to construct and maintain fiber optic cables over and across the Souhegan River in Wilton and the Contoocook River in Peterborough described in its petitions and depicted in the plans and charts referenced in the petitions and on file with the Commission; and it is

**FURTHER ORDERED**, that Teljet shall conform to all applicable requirements of the New Hampshire Department of Environmental Services related to the approved crossings; and it is

**FURTHER ORDERED**, that copies of all wetland permits, if any, required by the New Hampshire Department of Environmental Services for these crossings be filed with the Commission; and it is

**FURTHER ORDERED**, that all future alterations or reconstruction to the approved crossings shall conform to the requirements of the National Electrical Safety Code and all other applicable safety standards in existence at the time; and it is

**FURTHER ORDERED**, that Teljet maintain and operate the crossings in conformance with the National Electrical Safety Code; and it is

**FURTHER ORDERED**, that PSNH, FairPoint, TDS, and Comcast certify to the Commission that their facilities at the Souhegan River crossing in Wilton are: (1) in compliance with N.H. Code Admin. Rules Puc 1300; (2) licensed to cross public waters at this location by supplying the Commission Order Number and date for those licenses; and (3) constructed in

conformance with the National Electrical Safety Code that existed at the time the facilities were installed; and it is

**FURTHER ORDERED**, that if the PSNH, FairPoint, TDS and Comcast, or FairPoint facilities at the Souhegan River crossing are not: (1) in conformance with the attachment requirements of Puc 1300; (2) licensed with the Commission as a crossing of public waters; or (3) in conformance with the National Electrical Safety Code that existed at the time the facilities were installed, those deficiencies be brought into compliance with such requirements and the current National Electrical Safety Code; and it is

**FURTHER ORDERED**, that Teljet shall provide copies of this order to (i) the Town Clerks of Wilton and Peterborough; (ii) the New Hampshire Attorney General and the owners of the land bordering on said properties at the locations of the crossings, pursuant to RSA 371:19; (iii) the New Hampshire Department of Transportation pursuant to RSA 422-B:13; (iv) the New Hampshire Department of Environmental Services; (v) PSNH; (vi) FairPoint; (vii) TDS; and (viii) Comcast. All copies should be provided by first class mail, postmarked no later than June 20, 2011, and documented by affidavit filed with the Commission on or before July 8, 2011; and it is

**FURTHER ORDERED**, that TelJet 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 June 20, 2011, and to be documented by affidavit filed with this office on or before July 8, 2011; and it is

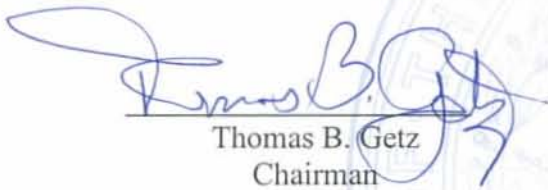
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states

the reason and basis for a hearing no later than June 30, 2011 for the Commission's consideration; and it is


**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than July 5, 2011; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective July 8, 2011, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

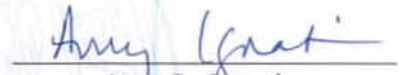
By order of the Public Utilities Commission of New Hampshire this fourteenth day of June, 2011.



Thomas B. Getz  
Chairman




Clifton C. Below  
Commissioner



Amy L. Ignatius  
Commissioner

Attested by:



Debra A. Howland  
Executive Director