

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-261

GRANITE STATE TELEPHONE, INC.

**Petition for Authorization to Construct and Maintain Telecommunications Lines
Over and Across Highland Lake in the Town of Washington**

Order *Nisi* Granting License

ORDER NO. 25,424

October 12, 2012

I. SUMMARY OF THE PETITION

On August 23, 2012, Granite State Telephone, Inc. (GST) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain telecommunication lines over and across a segment of Highland Lake in the Town of Washington. In its petition GST states that the new fiber optic line will promote the public good by expanding its existing network in response to a consumer request for service. GST further states that the use and enjoyment by the public of the lake will not be diminished in any material respect as a result of the overhead line-crossing.

A. Crossing Locations and Construction

According to the petition, the proposed crossing will be placed between existing utility poles in existing public rights-of-way. The location of the single water crossing is as follows:

- Highland Lake in Washington, between pole PSNH 158/1Y; GST 111A/2 near Beech Way and Birch Point Way on the mainland; and pole PSNH 158/1; GST 111A/3 on Point Island

GST's petition describes the configurations of the proposed cable crossings as well as the clearance and sag requirements for the crossing. According to GST, sag and tension calculations

were done pursuant to applicable National Electrical Safety Code (NESC) and statutory requirements. GST states that Highland Lake is not suitable for sail boating at this location.

B. Regulatory Requirements

According to the petition, permits from neither the New Hampshire Department of Environmental Services (NHDES) nor the New Hampshire Department of Transportation (NHDOT) are required for this project.

C. Property Rights

GST affirms that the proposed water crossing will be placed on existing utility poles jointly owned by Public Service of New Hampshire and GST.

II. SUMMARY OF STAFF REVIEW

Pursuant to its review of the petition and discussions with GST, Commission Staff filed a memorandum on October 8, 2012, finding the proposed construction and sagging design to be in conformance with applicable sections of the NESC. Staff noted in its memorandum that GST has reported that ten-year flood elevation data are not maintained for Highland Lake by either the town of Washington or the Federal Emergency Management Agency. However, under the NESC, such data are not required for areas unsuitable for sailing.

Staff recommended approval of GST's petition for a license to construct and maintain fiber optic lines over and across Highland Lake at the location requested, subject to certain conditions related to ensuring the safe operation and maintenance of the proposed crossing. *See* Staff Recommendation of Michael Ladam dated October 8, 2012.

III. COMMISSION ANALYSIS

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. Public waters, as defined in RSA 371:17, includes all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe. The NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. The body of water listed in the instant petition is included in the official list, which is maintained at http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the information presented in GST's petition and Staff's memorandum recommending approval, we find the proposed crossing necessary for GST to meet the reasonable requirements of reliable service to the public within GST's authorized service territory, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters, as required for approval under RSA 371:20. We find the crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions recommended by Staff, and contained in the ordering clauses set out below. Our decision is issued on a *nisi* basis in order to provide any interested party the opportunity to submit comments on GST's petition or to request a hearing. We note that GST is responsible for obtaining any and all other permits required for the installation of the proposed crossings from any federal, state, and local authorities having jurisdiction. Finally, inasmuch as NHDES is responsible by statute for maintaining the official list of public waters,

and given NHDOT's oversight of telephone lines over open waters, we require that notice of the proposed crossing be sent to the NHDES and the NHDOT. We also require notice of the crossing to the town of Washington, in which the crossing is located.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-089.html>.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, GST is authorized, pursuant to RSA 371:17 *et seq.* to construct, maintain and operate fiber optic and other lines over and across the public waters described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that GST maintain proper clearances between its cables and those adjacent to them at all times across the entire span, pursuant to NESC 235C2b; and it is

FURTHER ORDERED, that all construction and future alterations to the approved crossing shall conform to the requirements of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 433.01 and Puc 1303.07 and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that GST submit any future proposed alterations to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

FURTHER ORDERED, that copies of all permits, if any, required by the New Hampshire Department of Environmental Services, the New Hampshire Department of Transportation, any other federal, state or local authorities, and any of the affected municipalities for this crossing, be filed with this Commission; and it is

FURTHER ORDERED, that GST shall provide a copy of this order to the (i) Town Clerk of Washington, (ii) New Hampshire Attorney General and owners of the land bordering on said public waters at the locations of the crossing, pursuant to RSA 371:19, (iii) the Department of Environmental Services, and (iv) pursuant to RSA 422-B:13, the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than October 22, 2012 and to be documented by affidavit filed with this office on or before November 12, 2012; and it is

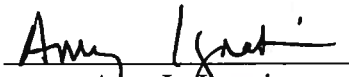
FURTHER ORDERED, that the Petitioner shall cause a summary of this Order *Nisi* and a link to the Commission's website where the Order appears in full to be published once in a statewide newspaper of general circulation, or of circulation in those portions of the state where operations are conducted, such publication to be no later than October 22, 2012 and to be documented by affidavit filed with this office on or before November 12, 2012; 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 October 29, 2012 for the Commission's consideration; and it is

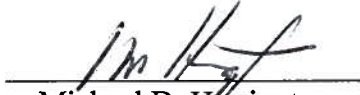
FURTHER ORDERED, that any party interested in submitting comments or requesting a hearing shall do so no later than November 5, 2012; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective November 12, 2012, 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 twelfth day of
October, 2012.



Amy L. Cignatus
Chairman

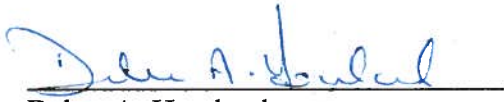


Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director