

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-070

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Request to Construct and Maintain Fiber Optic Cable
Over and Across Public Water Bodies (Sugar River, Newport)**

Order *Nisi* Granting License

NOTICE OF ORDER NO. 25,429

October 23, 2012

SUMMARY OF ORDER

On March 16, 2012, New Hampshire Optical Systems, Inc. (NHOS) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables over and across the public waters of the Sugar River at two points located in Newport, New Hampshire. According to the petition, all of the proposed crossings will be placed between existing utility poles in existing public rights-of-way.

The water crossings are located as follows:

- Across the Sugar River, adjacent to the west side of Route 11/103 between Elm Street and South Main Street between utility poles E 2/32, T 306/84 and E 2/30, T 306/85 in Newport, and
- Across the Sugar River adjacent to the north side of Route 103 in the vicinity of Ayers Road between utility poles E 26/69, T 937/41, and E 26/68, T 937/40 in Newport.

The petition and subsequent docket filings, and a copy of the entire Order, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-070.html>.

Staff reviewed the petition and subsequently filed a memorandum finding the proposed construction and designs in conformance with applicable sections of the National Electrical Safety Code. Staff recommended approval of NHOS's petition, subject to certain conditions related to ensuring the safe operation and maintenance of the proposed crossings.

Based on the information presented in NHOS's petition and Staff's memorandum, the Commission finds the proposed crossings necessary for NHOS to meet the reasonable requirements of reliable service to the public within NHOS's authorized service territory, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters. The petition is therefore approved on a *nisi* basis, subject to the conditions recommended by Staff.

All persons interested in responding to the Order *Nisi* may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than November 9, 2012 for the Commission's consideration; and any party interested in responding to such comments or request for hearing shall do so no later than November 16, 2012. The Order *Nisi* shall be effective November 22, 2012, unless the Petitioner fails to satisfy the publication obligation set forth in the Order or the Commission provides otherwise in a supplemental order issued prior to the effective date.