

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-020

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Petition for Authorization to Construct and Maintain Fiber Optic
Communications Cable Over and Across Two Railroads in Conway (Segment 10)**

Summary of Order *Nisi* Granting License

NOTICE OF ORDER NO. 25,497

April 24, 2013

SUMMARY OF ORDER

On January 17, 2012, New Hampshire Optical Systems, Inc. (NHOS)¹ filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables over and across a railroad in the town of Conway, New Hampshire. The crossing parallels the easterly side of White Mountain Highway (Route 16) in the vicinity of Hurricane Mountain Road (referenced as TID 164) and is a railroad property acquired by the State of New Hampshire and subject to RSA 371:17. According to the petition, the proposed crossing will be placed between existing utility poles in existing public rights-of-way.

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/2012/12-020.html>.

Staff reviewed the petition and subsequently filed a memorandum stating that the proposed construction and designs conform to applicable sections of the National Electrical Safety Code (NESC). Staff recommended approval of NHOS's petition, subject to certain conditions related to ensuring the safe operation and maintenance of the proposed crossing.

¹ On August 13, 2010, the Commission authorized NHOS to provide competitive local exchange services in New Hampshire. See *CLEC Authorization CL-08-002-10 (Docket No. DT 10-215)*.

Based on the information presented in NHOS's petition and Staff's memorandum, the Commission finds the proposed crossing necessary for NHOS to meet the reasonable requirements of reliable service to the public and that the requested license may be exercised without substantially affecting the public rights in the affected area, as required for approval under RSA 371:20. The petition is therefore approved on a *nisi* basis.

NHOS is authorized by order *nisi* to construct, maintain and operate fiber optic and other lines over and across the state-owned railroad described in its petition and depicted in its filings. All persons interested in responding to this 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 May 10, 2013 for the Commission's consideration; and any party interested in responding to such comments or request for hearing shall do so no later than May 17, 2013. This Order *Nisi* shall be effective May 24, 2013, unless NHOS 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.