

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-024

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Petition for Authority to Construct and Maintain Fiber Optic Communications Cable
Over and Across 3 Different Waters and 2 Different Railroads for Segment 8-Meredith to Conway**

Summary of Order *Nisi* Granting Licenses

June 6, 2013

NOTICE OF ORDER NO. 25,517

On January 23, 2012, New Hampshire Optical Systems, Inc. (NHOS) filed petitions pursuant to RSA 371:17 requesting licenses to construct and maintain fiber optic communications cables over and across the New Hampshire public waterways of (1) the Pequawket River in Albany; (2) the Bearcamp River in Ossipee; (3) the Red Hill River in Moultonborough; and railroad crossings over and across state-owned properties located at (4) West Main Street in Conway, near the junction of West Main Street and Route 16; and (5) South Main Street in Meredith, in the vicinity of Lower Terrace Avenue. The railroad crossings are over and across properties acquired by the State of New Hampshire and are also subject to RSA 373:1-a. According to the petitions, each proposed crossing will be placed between existing utility poles in existing public rights-of-way.

The petitions 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/2012/12-024.html>.

Staff reviewed the petitions 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 construction, operation and maintenance of the proposed crossings and related attachments.

Based on the information presented in NHOS's petitions and Staff's memorandum, the Commission finds that the proposed crossings are necessary for NHOS to meet the reasonable requirements of reliable service to the public and that the requested licenses may be exercised without substantially affecting the public rights in the affected waters and lands, as required for approval under RSA 371:20. The petitions are 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 public waters and state-owned railroad properties described in its petitions 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 June 21, 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 June 28, 2013. The Order *Nisi* shall be effective July 5, 2013, unless the Commission orders otherwise.