

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 13-052

**NORTHERN NEW ENGLAND TELEPHONE OPERATIONS
D/B/A FAIRPOINT COMMUNICATIONS - NNE**

**Petition for Authorization to Construct and Maintain Aerial Cables
Over and Across Public Waters in Somersworth**

Summary of Supplemental Order *Nisi* Granting License

NOTICE OF ORDER NO. 25,520

June 10, 2013

SUMMARY OF ORDER

On February 15, 2013, Northern New England Telephone Operations, LLC (FairPoint) filed a petition pursuant to RSA 371:17 requesting a license to temporarily construct and maintain aerial cables over and across Salmon Falls River, a public waterway, between Somersworth, New Hampshire and Berwick, Maine. According to the petition the proposed crossing will be placed between existing utility poles in existing public rights-of-way. On May 10, 2013, the Commission issued Order *Nisi* No. 25,507 approving FairPoint's request and setting dates for notice and publication with respect to the Order *Nisi*. On June 5, 2013, FairPoint filed an expedited motion to extend the notice and publication dates and schedule, stating that due to a clerical error, it had failed to meet any of the notice and publication requirements. FairPoint also requested that the Commission waive Puc 203.07(e) and grant the motion on an expedited basis before the 10-day period for other parties to respond had expired.

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/2013/13-052.html>.

Staff reviewed FairPoint's 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 FairPoint's petition, subject to certain conditions related to ensuring the safe operation and maintenance of the proposed crossings.

Based on the information presented in FairPoint's petition and Staff's memorandum, the Commission finds the proposed crossings necessary for FairPoint 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 public waters, as required for approval under RSA 371:20. The petition is therefore approved on a *nisi* basis. FairPoint's motion to extend the notice and publication dates and schedule is granted and, in that no party intervened regarding FairPoint's petition, FairPoint's request for a waiver of Puc 203.07(e) is also granted.

FairPoint is authorized by Order *Nisi* to temporarily construct and maintain aerial cables and other lines over and across the public waters described in its petition and depicted in its filings. 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 June 20, 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 24, 2013. The Order *Nisi* shall be effective June 26, 2013, unless the Commission orders otherwise.