

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 13-068

**NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC
d/b/a FAIRPOINT COMMUNICATIONS – NNE**

**Petition to Construct and Maintain Temporary Telecommunications
Cables across a New Hampshire Railroad**

Summary of Supplemental Order *Nisi* Granting License

NOTICE OF ORDER NO. 25,521

June 10, 2013

SUMMARY OF ORDER

On March 4, 2013, Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (FairPoint) filed a petition pursuant to RSA 371:17 requesting a license to temporarily construct and maintain an aerial plant crossing a state-owned railroad in the town of Somersworth New Hampshire. According to the petition, the proposed crossing will be placed between two existing utility poles in the existing public right-of-way. On May 10, 2013, the Commission issued Order *Nisi* No. 25,508 approving FairPoint's request and setting dates for notice and publication of 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/2013/13-068.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 crossing.

Based on the information presented in FairPoint's petition and Staff's memorandum, the Commission finds the proposed crossing 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 area, 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 construct, maintain and operate aerial plant 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 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.