

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 13-144

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

**Petition for Authority to Construct and Maintain Telecommunications
Cable Over and Across New Hampshire Public Waters**

Summary of Order *Nisi* Granting License

NOTICE OF ORDER NO. 25,561

August 6, 2013

SUMMARY OF ORDER

On May 13, 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 construct and maintain aerial plant over and across the public waters of Sagamore Creek in Portsmouth, New Hampshire. FairPoint reported that this relocation of facilities is being performed at the request of the New Hampshire Department of Transportation (NHDOT) due to the reconstruction of the bridge crossing over Sagamore Creek.

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/2013/13-144.html>.

Staff reviewed the petition and subsequent filings and 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 that the proposed crossing is 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 is authorized by the Order *Nisi* to construct, maintain and operate fiber optic cable 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 August 23, 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 August 30, 2013. The Order *Nisi* shall be effective September 5, 2013, unless the Commission orders otherwise.