

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-249

NEW HAMPSHIRE OPTICAL SYSTEMS, INC.

**Petition for Authority to Construct and Maintain Fiber Optic Communications Cable
Over and Across 6 Different Public Waters for Segment 14-Concord to Dover**

Summary of Order *Nisi* Granting License

August 29, 2013

NOTICE OF ORDER NO. 25,567

On August 10, 2012, New Hampshire Optical Systems, Inc. (NHOS) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain fiber optic cables over and across public waterways of the (1) Suncook River in Pembroke, (2) Suncook River in Epsom, (3) Oyster River in Lee, (4) Bellamy River in Madbury, (5) Cocheco River in Dover, and (6) Cocheco River in Rochester, New Hampshire. According to the petition, each 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/2012/12-249.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 corrections to and resubmission of technical diagrams, and 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 petition and Staff's memorandum, the Commission has found that the proposed crossings are 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 waters, as required for approval under RSA 371:20. The petition has been approved on a *nisi* basis, subject to public notice of the order and an opportunity for public comment or hearing, to be effective as of a specified later date unless otherwise ordered by the Commission.

NHOS is authorized by the Order *Nisi* to construct, maintain and operate fiber optic 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 September 16, 2013 for the Commission's consideration; and any party interested in responding to such comments or request for a hearing shall do so no later than September 23, 2013. The Order *Nisi* shall be effective September 27, 2013, unless the Commission orders otherwise.