

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DT 12-113**

**NEW HAMPSHIRE OPTICAL SYSTEMS, INC.**

**Petition for Authority to Construct and Maintain Fiber Optic  
Communications Cable Over and Across Three Different Waters and  
Seven Different Railroads for Segment 7-Lancaster to Berlin**

**SUMMARY OF ORDER NO. 25,620 GRANTING LICENSES**

**January 9, 2014**

On April 27, 2012, New Hampshire Optical Systems, Inc. (NHOS) filed petitions pursuant to RSA 371:17 requesting licenses to construct and maintain fiber optic cables over and across the public waters of two rivers, a brook, and seven railroad crossings, three of which are state-owned properties, beginning in Lancaster and ending in Berlin, New Hampshire. Railroad crossings that are properties acquired by the State of New Hampshire are required to be licensed by the Commission. The cables will cross over the public waterways of the: (1) Israel River in Lancaster; (2) Israel River in Jefferson; and (3) Moose Brook in Gorham. The cables will also cross over state-owned railroad properties at: (4) Middle Street in Lancaster; (5) Mechanic Street in Lancaster; and (6) Presidential Highway in Jefferson. According to the petitions, each proposed crossing will be placed between existing utility poles in an existing public right-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/2012/12-113.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 six crossings described in NHOS's petitions, subject to certain conditions related to ensuring the safe construction, installation, 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 has found that the six 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 public waters and state lands subject to the proposed crossings, as required for approval under RSA 371:20. The Petition is therefore approved on a *nisi* basis, which affords any member of the public who does not support the Commission's determination to submit written argument why the Petition should not be approved.

NHOS is authorized by the Order *Nisi* to construct, install, operate and maintain fiber optic cables and other lines over and across the public waters and state-owned railroad lands at the six crossing locations as described in its petitions 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 January 27, 2014 for the Commission's consideration; and any party interested in responding to such comments or request for hearing shall do so no later than February 3, 2014. The Order *Nisi* shall be effective February 7, 2014, unless the Commission orders otherwise.