

STIPULATION OF FACTS

BETWEEN segTEL AND PSNH

DT 08-146

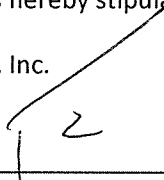
1. segTEL, Inc. (segTEL) is a duly authorized Competitive Local Exchange Carrier (CLEC) in the State of New Hampshire, and, as such is a public utility.
2. Public Service Company of New Hampshire (PSNH) is an incumbent electric utility in the State of New Hampshire, and the sole or joint owner of each of the utility poles in New London and Sunapee, New Hampshire, that are the subject of this docket.
3. segTEL and PSNH are parties to a Pole Attachment Agreement dated April 6, 2004, which, along with the attachments, the parties agree shall be marked as Stipulated Exhibit 1 in this docket.
4. Pursuant to the Pole Attachment Agreement (Stipulated Exhibit 1), segTEL has requested and continues to request, and PSNH has previously granted and continues to grant, segTEL attachment licenses for poles in numerous locations throughout New Hampshire. To the best of both parties' knowledge and belief, all such other applications and attachment licenses are for poles that are located exclusively within the public highway right of way.
5. Most or all of the poles that are the subject of this docket are located within PSNH right of way on private property.
6. PSNH has easements for its right of way on the private property where the poles that are the subject of this docket are located, all of which easements the parties agree shall be marked as Stipulated Exhibit 2 in this docket.
7. All of the easement rights owned by PSNH (Stipulated Exhibit 2) were obtained and recorded in the applicable Registry of Deeds prior to 1996.
8. Pursuant to the Pole Attachment Agreement (Stipulated Exhibit 1), segTEL submitted to PSNH two applications for pole attachment licenses for the poles that are the subject of this docket, dated January 18, 2008, which the parties agree shall be marked as Stipulated Exhibit 3 in this docket.
9. The poles which are the subject of this docket are part of a PSNH 34,500 volt (34.5 kV) power line designated as the PSNH 316 line, which is an electrical distribution line. The PSNH right of way easements (Stipulated Exhibit 2) and the poles which are the subject of this docket are used by PSNH for PSNH's electric utility business of distributing electric power and delivering electric service to its customers.
10. segTEL remitted advance payment for field survey work with its applications to PSNH.

(Stipulated Exhibit 3) PSNH deposited segTEL's payments.

11. PSNH responded to segTEL's applications to PSNH (Stipulated Exhibit 3) by letter of George W. Kellermann, PSNH Manager-Operations Support, to Steven E. Goldsmith, segTEL President, dated August 6, 2008, which the parties agree shall be marked as Stipulated Exhibit 4 in this docket
12. segTEL's pole attachment applications (Stipulated Exhibit 3) are for the attachment of fiber optic lines for telecommunications purposes, which will be owned, operated and maintained by segTEL, and will be used entirely by segTEL in its business of providing telecommunication and information services, independent of PSNH's electric utility business.

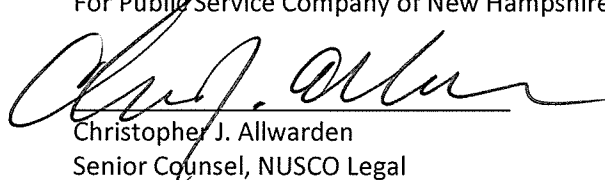
The parties hereby stipulate and agree that the foregoing is undisputed.

For segTEL, Inc.



Jeremy Katz
Chief Executive Officer
May 13, 2009

For Public Service Company of New Hampshire



Christopher J. Allwarden
Senior Counsel, NUSCO Legal
May 14, 2009