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October 26, 2012



NHPUC OCT26'12 PM 2:15

Via Electronic Mail and Hand Delivery

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

Re: DT 12-246; Review of Utility Pole Access Issues

Dear Ms. Howland:

I am writing on behalf of the University System of New Hampshire (“USNH”) in response to the Commission’s request for comments on the October 9, 2012 letter from the Commission’s Director of Telecommunications, Kathryn Bailey. USNH strongly supports Ms. Bailey’s recommendations. USNH believes that the Commission’s current pole attachment regulations do not effectively address many of the issues that have arisen as the number of parties seeking to gain access to utility poles has increased. In particular, the rules do not adequately address the problems that arise from the fact that many of the parties whose facilities are attached to utility poles are in direct competition with other parties whose facilities are also located on or are seeking access to those poles.

USNH recommends that any rules proposed by the Commission require pole attachment agreements between utility pole owners and parties seeking to attach to those poles (sometimes referred to as third party attachers) to include specified terms and conditions designed to address issues relating to timely access by other third party attachers. For example, as a condition for granting access to utility poles, a licensee/third party attacher should be required to agree to perform make-ready work in a timely fashion and charge rates for such work that are just, reasonable, and non-discriminatory. USNH also believes that pole attachment agreements should require licensees to submit to the jurisdiction of the Commission for claims that their conduct has unduly interfered with another licensee’s access to the utility’s pole. The purpose of such rules would be to ensure that a licensee’s conduct does not result in pole owners being

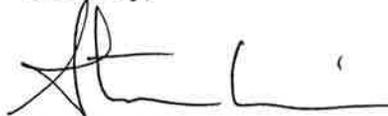
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unable to comply with their obligation to provide reasonable access to utility poles. USNH recognizes that, to some extent, these issues are already addressed in some pole attachment agreements currently in use, but believes that including them in the Commission's rules will clarify the obligation of parties to such agreements and ensure that the access of other third parties attachers to utility poles is not blocked through a failure to comply with such obligations.

As noted in Ms. Bailey's letter, during the stakeholder meeting convened by the Commission, one party suggested that the Commission may not have the authority to directly regulate third party attachers' conduct with regard to make-ready work. Although USNH disagrees with this assertion, rules that address the terms and conditions of pole attachment agreements entered into by pole owners will avoid implicating such a concern.

USNH appreciates the opportunity to provide these comments and looks forward to participating in any rulemaking proceeding that the Commission may open regarding these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven V. Camerino', with a long horizontal flourish extending to the right.

Steven V. Camerino

SVC/ds

cc Service List