

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: May 30, 2018

AT (OFFICE): NHPUC

FROM: Kath Mullholand, Director – RISD *KLM*
Paul Kasper, Assistant Director – Safety Division

NHPUC 30MAY18PM12:00

SUBJECT: Docket No. DT 18-027
Northern New England Telephone Operations LLC d/b/a Consolidated Communications-NNE (“Consolidated”) Petition for a License to Construct and Maintain Telecommunication Cables Over and Across the Ammonoosuc River in the Town of Dummer, New Hampshire
Staff Recommendation

TO: Debra Howland, Executive Director
Thomas Frantz, Director, Electric Division
Leszek Stachow, Assistant Director, Electric Division
Randy Knepper, Director, Safety Division
Lynn Fabrizio, Hearing Examiner, Legal Division

Staff’s review of the above petition consisted of the following elements:

- Overview;
- Applicable statutes and licenses;
- Review of land ownership for siting;
- Review of NESC requirements;
- Review of public need and public impact, including applicability of other State regulations; and
- Conclusion.

1. Overview

On February 28, 2018 Northern New England Telephone Operations LLC d/b/a Consolidated Communications-NNE (“Consolidated”) filed a petition pursuant to RSA 371:17 for a license to construct and maintain one (1) 25-pair aerial copper telecommunication cable over and across the public waters of the Upper Ammonoosuc River in the Town of Dummer, New Hampshire. This is a relocation of the existing telecommunication cable due to a New Hampshire Department of Transportation (DOT) bridge rehabilitation project.

The proposed crossing is located approximately 15 feet south of the Old Route 110 (a/k/a Hart Road) bridge and will span approximately 160 feet between two new wooden structures. The structures on the southern side of the river, #104/2, and northern side #104/3, are tangential structures, constructed with a single Class-2, 50-foot tall CCA

pole. Consolidated provided a location map, attached hereto, a project plan schematic and construction details of the structures as Exhibits A (attached hereto) through C in its attachment to the petition.

The required technical information provided in this petition is said to be based on the 2012 National Electrical Safety Code (NESC) C2-2012. Within its petition, Consolidated notes that the proposed crossing has been designed and will be constructed, maintained, and operated in accordance with the NESC. The design criteria used for the conductors transmitting telecommunications will be one (1) 25-pair copper cable. In its petition, Consolidated provides sufficient detail to show how all required clearances (at least 26.8 feet) from telecommunication cable to the surface of the water will be maintained.

The water clearances are taken from the applicable projected 100-year flood levels. This is more conservative than the 10-year flood levels allowed by the NESC (*see* note 18 to Table 232-1). Consolidated uses flood water elevations for the Upper Ammonoosuc River in Coos County that are identified on Federal Emergency Management Agency (FEMA) flood map #33007C0780D. The 100-year flood elevation for the river in this location is approximately 513 feet based on the North American Vertical Datum of 1929 (NAVD1929). Staff verified the 513 foot flood level from the FEMA flood map.

In addition to the water clearances described in the petition, the proposed crossing will span Old Route 110 and a single set of railroad tracks that appear to cross Old Route 110 at grade level. Consolidated did not address the road or railroad track crossings in its petition.

2. Applicable statutes and licenses

Pursuant to NH RSA 371:17, Licenses for New Poles, the Commission has the authority to license cables that cross public waters. The Upper Ammonoosuc River, from the juncture of Stony Brook in Berlin, NH, is listed under the category “Public Rivers and Streams” in the Official List of Public Waters (OLPW).

(*See* <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>)

This application is to relocate an existing telecommunication cable on the north side of the bridge that is duly licensed by the Commission.

3. Review of land ownership and siting

In its petition, Consolidated specifies that the construction of this crossing will span the Upper Ammonoosuc River, adjacent to and alongside the NH Route 110 Bridge. Proposed poles #104/2 will be located on the southerly and #104/3 on the northerly side of the river within the existing Old Route 110 rights of way. Old Route 110 is a Class V highway, owned and managed by the town. Although NH DOT is assisting with the bridge renovation, the town owns the bridge and manages the rights of way where Consolidated proposes placing new poles.¹ Staff notes that the town may need to license

¹ Staff consulted Ben Lewis, Town of Dummer road agent, by telephone on April 25, 2018.

the new poles. Staff notes that the proposed clearances meet the NESC requirements for a Class V road.

4. Review of NESC requirements

Consolidated states that the proposed crossing has been designed and will be constructed, maintained and operated in accordance with 2012 NESC C2-2012.

Staff reviewed the specifications related to the design and construction of this crossing project as provided in the petition, the attachments, and all supplemental support documents, and found them to be in conformance with the applicable sections of NESC C2-2012 and NH Admin. Rules Parts Puc 406.01 and 1303.07.

Staff notes that the Commission does not have the authority to license railway crossings, but did review the NESC requirements for such crossings. Consolidated's proposed placement is sufficient for railway clearance.

5. Review of public need and public impact

The telecommunication cable reviewed here is an integral part of Consolidated's telecommunication system in the area. Consolidated's existing cable is being relocated as a result of a NH DOT project to rebuild and widen the existing bridge.

Consolidated asserts in its petition that the proposed license for this crossing may be exercised without substantially affecting the rights of the public in the public waters of the Upper Ammonoosuc River. Minimum safe line clearances above the river surface and affected shorelines will be maintained at all times. The use and enjoyment of the river by the public will not be diminished in any material respect as a result of the overhead line crossing.

Staff concludes the impact to the public will be *de minimis* and not measurable. The proposed crossing does not appear to affect the rights of the public in the public water of the Upper Ammonoosuc River because minimum safe line clearances above the water surface will be maintained at all times. Shorelines will not be affected by this project.

6. Conclusion

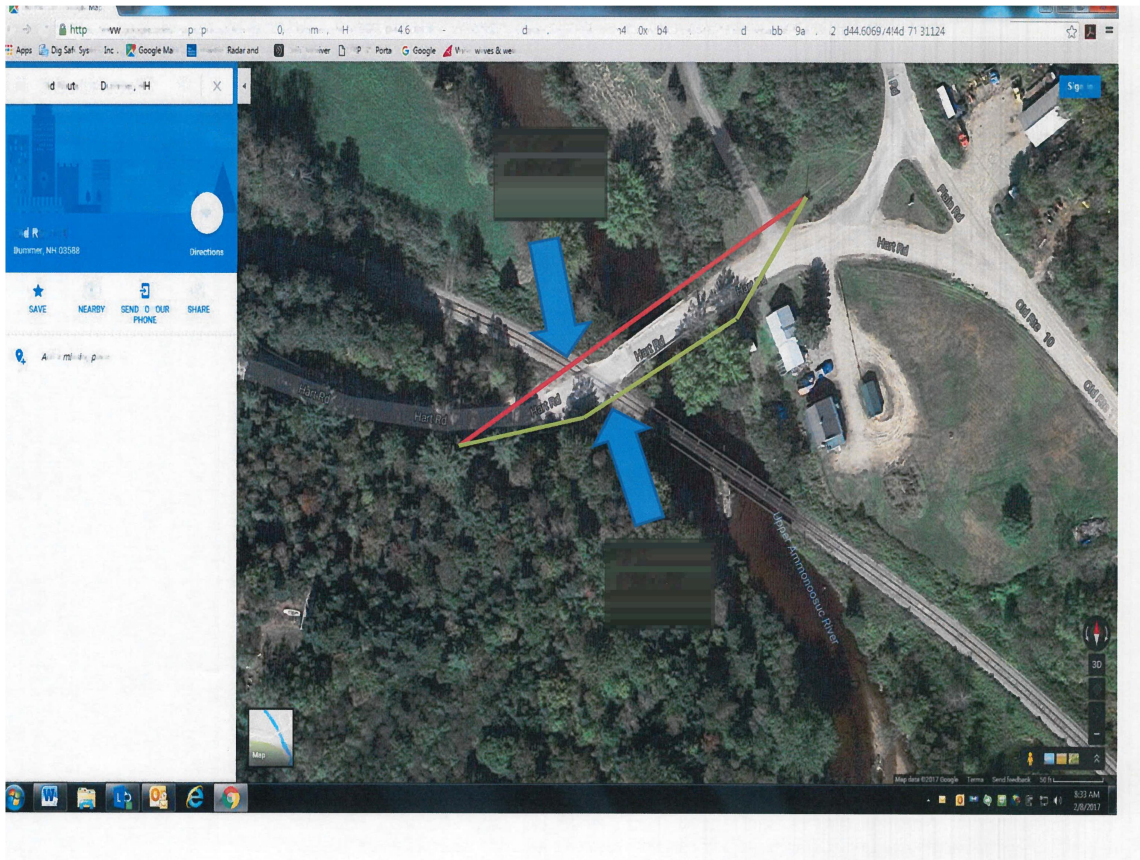
Based on the results of its review and investigation of the petition, its attachments, and all other supporting documents filed in this docket, Staff recommends that the Commission:

- 1) Find that the license Consolidated requests in this docket may be exercised without substantially affecting the public rights in the public waters which are the subject of the petition;

- 2) Grant Consolidated a license to construct, operate and maintain electric lines, including neutral over and across the public waters of the Upper Ammonoosuc River in Dummer, New Hampshire, as specified in the petition;
- 3) Advise Consolidated that additional licenses may be required from the Town of Dummer for the road crossing and pole placements, and from NH DOT for the railway crossing; and
- 4) Issue an Order Nisi with orders for its publication.

Attachment

Attachment A



Q:\Safety\GIS DATA\Electric\River Crossings

Figure 1: Consolidated Telecommunication Cable, a span of approximately 160 feet, across the Upper Ammonoosuc River in Dummer, NH. The structure on the southern side of the river is a fiberglass cross arm tangential structure, designated #104/3 and will be constructed with a single Class-2, 50 foot tall, CCA pole. The other structure on the southern side of the river, designated #104/2 shall be a similar tangential structure, constructed with a single Class-2, 50 foot tall, CCA pole. The span of the river is approximately 100 ft at the northern and southern banks.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 18-027-1 Printed: May 30, 2018

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**
- DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**