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March 5, 2008

VIA OVERNIGHT COURIER

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



Re: Docket DRM 97-119 Rulemaking, Puc 1300 Pole Attachments – Interim Rates
Docket DRM 08-004 Rulemaking, Puc 1300 Pole Attachments – Regular Rules

Dear Ms. Howland:

Enclosed are an original and six copies of Verizon New Hampshire's Comments to the New Hampshire Public Utilities Commission on how the interim rules for pole attachments, adopted on January 11, 2008, should be revised for promulgation as final rules.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor D. Del Vecchio".

Victor D. Del Vecchio

cc: Service List (DRM 08-004)

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reflect the limitation set forth in RSA 374:34-a,II that “the commission shall regulate and enforce rates, terms and conditions for such pole attachments, *with regard to the types of attachments regulated under 47 U.S.C. section 224*, to provide that such rates, terms and conditions are just and reasonable” (emphasis added).¹

3. 47 U.S.C. 224(a)(4) sets forth a specific definition of the types of pole attachments that are regulated:

The term “pole attachment” means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility.

4. To ensure compliance with the Legislature’s delegation of authority, Verizon NH recommends that Puc 1301 of the interim rules be amended to incorporate the relevant statutory requirement, set forth in bold below:

PART Puc 1301 PURPOSE AND APPLICABILITY

Puc 1301:01 Purpose. The purpose of Puc 1300, pursuant to the mandate of RSA 374:34-a, is to provide for the resolution of disputes involving the rates, charges, terms and conditions for pole attachments, **with regard to the types of attachments regulated under 47 U.S.C. section 224**.

Puc 1301:02 Applicability. Puc 1300 shall apply to

- (a) Public utilities within the meaning of RSA 362, including rural electric cooperative for which a certificate of deregulation is on file pursuant to RSA 301:57, that own, in whole or in part, any pole used for wire communications or electric distribution

¹ RSA 374:34-a,VI reiterates this limitation by prescribing nondiscriminatory access to poles “*for the types of attachments regulated under this subdivision*” (emphasis added) and not merely *any* attachments regardless of type.

(b) **Cable television systems or providers of telecommunications services** with facilities attached to poles, or seeking to attach facilities to such poles.

5. Finally, Verizon NH recommends that Puc 1301 include a new subsection that defines a pole attachment consistent with 47 U.S.C. 224(a)(4), as set forth above. This would further clarify the applicability of the rules and underscore compliance with the statutory requirements of RSA 374:34-a,II and VI.

March 5, 2008