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June 25, 2009

VIA HAND DELIVERY AND ELECTRONIC MAIL

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

Re: DRM 08-004; Comments of National Grid on Initial Proposal

Dear Ms. Howland:

On behalf of Granite State Electric Company d/b/a National Grid ("National Grid" or "Company"), I am submitting comments on the proposed Puc 1300 Utility Pole Attachment Rules. National Grid recognizes that the Commission and Staff have put a significant amount of time and effort into the drafting of these rules, and appreciates the opportunity to provide written comments.

The Company's primary area of concern continues to be the seemingly broad scope of the proposed rules. RSA 374:34-a, the statute that provides the Commission with regulatory authority over pole attachments, contains a limited grant of authority. Specifically, RSA 374:34-a, II states:

Whenever a pole owner is unable to reach agreement with a party seeking pole attachments, the commission shall regulate and enforce rates, charges, 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, charges, terms, and conditions are just and reasonable. This authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C. section 224(c).

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RSA 374:34-a provides the Commission with the authority to regulate the same types of pole attachments that are regulated under 47 USC section 224. Section 224 defines a "pole attachment" as any attachment by a cable television system or provider of telecommunications service to pole, duct, conduit, or right-of-way owned or controlled by a utility. 47 USC § 224(4). Thus, the Commission's authority to regulate pole attachments is limited to the attachments of cable television operators and telecommunications providers. The proposed rules exceed the grant of authority to the Commission found in the statute by expanding the applicability of the rules to parties not contemplated under 47 USC section 224.

The proposed rules purport to regulate the pole attachments of any natural person or entity with a statutory or contract right to attach a facility to any type of a pole. See Puc 1302.01 (definition of "Attaching entity"). This would include incumbent local exchange carriers, municipalities and private business owners. Because the proposed rules seek to extend the regulatory authority of the Commission to include entities other than cable television operators and telecommunications providers, the rules impermissibly expand the reach of the Commission beyond the authority granted to it in RSA 374:34-a.

The second sentence of RSA 374:34-a, II does not provide the Commission with any additional jurisdiction to regulate pole attachments by parties other than cable television operators and telecommunications providers. It does not add entities. Instead, it provides the Commission with the authority to regulate issues related to pole attachments that extend beyond rates, charges, terms and conditions. The safety of pole attachments is one issue that may be regulated under the second sentence of RSA 374:34-a.

For these reasons, National Grid respectfully requests that the scope of the proposed rules be limited by revising the definition of "Attaching entities" to cable television operators and telecommunications providers as set forth in the statute.

The Company also suggests that the definition of "Make-ready work" be revised. Puc 1302.07 defines "Make-ready work" as "the movement of cables and other facilities or the replacement of an existing pole with a taller pole to allow for additional attachments." This narrow definition could cause unnecessary confusion when compared with the expansive explanation of make-ready work contained in the second sentence of Puc 1303.12. Puc 1303.12 states that make-ready work entails all work, including but not limited to rearrangement and/or transfer of existing facilities, replacement of a pole or any other changes required to accommodate the attachment of the facilities of the party requesting attachment to the pole. Because the second sentence of Puc 1303.12 is consistent with the understanding of make-ready work between attachers and pole owners, the Company respectfully suggests that the Commission replace the current definition of Make-ready work with the language included in the second sentence of Puc 1303.12.

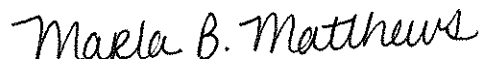
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Finally, under Puc 1303.06, a pole owner must provide at least 60 days' prior written notice to a person with facilities attached to a pole before removing the person's facilities, increasing annual or recurring fees or modifying the facilities. Because the defined term "Attaching entity" is not used in Puc 1303.06, the proposed rules appear to require the pole owner to comply with these notice requirements even in situations where the attachment is unauthorized. To clarify that pole owners are only required to provide notice to authorized attachers, National Grid suggests that "a person with facilities attached to a pole" be replaced by "an Attaching entity" in Puc 1303.06(a).

National Grid appreciates the opportunity to comment on the proposed rules. If you have any questions, please do not hesitate to call me.

Respectfully submitted,

Granite State Electric Company
d/b/a National Grid



Marla B. Matthews

cc: Alexandra E. Blackmore, Esq.
Joseph H. Snyder
Service List (via electronic mail)