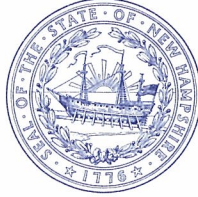


THE STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Graham J. Morrison  
Clifton C. Below

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



**PUBLIC UTILITIES COMMISSION**  
21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

April 20, 2009

Re: DT 08-146 segTEL, Inc.  
Request for Arbitration Regarding Access to Utility Poles  
Procedural Issues

To the Parties:

On March 6, 2009, Staff filed a report of the February 27, 2009 technical session at which the parties agreed, among other things, that briefs would assist in the ultimate disposition of this docket. Staff also requested on behalf of the parties a Commission determination as to whether public notice of this proceeding is required inasmuch as segTEL's request requires attachment to utility poles located on private land. The purpose of this letter is to advise the parties how the Commission intends to proceed in this docket in light of the March 6<sup>th</sup> report.

PSNH and segTEL are directed to file briefs addressing the following issues:

1. Whether the underlying easements provide PSNH with the authority necessary to grant segTEL a license to attach to its poles in this matter;
2. Whether PSNH has a legal obligation to grant segTEL a license to attach to the poles regardless of whether or not PSNH has sufficient authority under the easements.
3. Is segTEL obligated, pursuant to Section 6.2 of the Pole Attachment Agreement, to obtain authorization to construct, operate and/or maintain wires on the poles at issue from the owners of the land where the poles are located?

The Commission will provide written notice to the owners of privately owned land on which the utility poles at issue in this matter are located as identified by PSNH. The form and content of the notice has been prepared jointly by segTEL and PSNH and submitted to the Commission's Telecommunications Division on March 17, 2009.

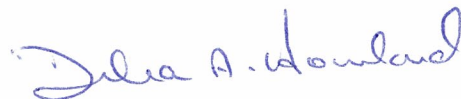
Further, the Commission has determined that these landowners have rights, duties, privileges, immunities or other substantial interests that may be affected by this proceeding

April 20, 2009  
Page two

and that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing their intervention. Accordingly, any landowner receiving direct notice of this docket will automatically be deemed a party upon receipt by the Commission of written notice from such landowner, or from his or her representative, that the landowner wishes to participate. Such persons shall be permitted to submit briefs on the legal issues identified above or reply briefs.

Finally, the Commission has established May 15, 2009 as the deadline for filing briefs and June 10, 2009 for reply briefs

Sincerely,



Debra A. Howland  
Executive Director

cc: Docket File