

DT08-146

Leonard A. Pollari
P.O. Box 310
Sunapee, NH 03782

May 8, 2009

New Hampshire Public Utilities Commission
Attn: Debra A. Howland
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: Georges Mills property, Route 11, Map Number 107, Block Number 2

In regard to the attached notification, I am concerned about adding any more wiring to my property as I am trying to market it for a house lot. I feel like that it would reduce the value of the property. So, I oppose any more services running through my property.

Thank you,

A handwritten signature in cursive script that reads "Leonard A. Pollari".

Leonard A. Pollari

DISTRI BUTED

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket DT 08-146

segTEL, Inc.

Request for Arbitration Regarding Access to Utility Poles

LANDOWNER NOTIFICATION

Property located at Route 11

Map Number: 107 Block Number: 2 Lot ID (if applicable)

Landowner of Record for the above-named property:

Leonard Pollari

P.O. Box 310

Sunapee, NH 03782

PLEASE TAKE NOTICE that you are receiving this Landowner Notification because your rights and interests as the record owner of the private property identified above may be affected by the outcome of this proceeding now pending before the New Hampshire Public Utilities Commission (the "Commission"). This notice is being provided to you because town property tax records identify you as the owner of the property. IF YOU ARE NOT THE CURRENT OWNER OF THIS PROPERTY, YOU ARE REQUESTED TO PLEASE NOTIFY THE COMMISSION'S EXECUTIVE DIRECTOR, IDENTIFIED BELOW IMMEDIATELY SO THAT THIS NOTIFICATION CAN BE DIRECTED TO THE CURRENT OWNER.

EXPLANATION OF COMMISSION PROCEEDING

The pending proceeding involves a request made by segTEL, Inc. ("segTEL"), a competitive local exchange carrier in New Hampshire, for permission to attach and run fiber optic telecommunications cable on certain utility poles owned by Public Service Company of New Hampshire ("PSNH"), a New Hampshire electric utility. The approximately 100 utility poles involved are part of a 34,500 volt (34.5 kV) PSNH power line which runs through a 100 foot wide PSNH right-of-way corridor on private property in the Towns of Sunapee and New London, New Hampshire. It has been determined that your property is one of the properties where part of the PSNH right-of-way corridor is located. One or more of the utility poles involved may also be situated within the PSNH right-of-way on your property.

The fiber optic cable which segTEL wishes to install is for telecommunications purposes, will be owned, operated and maintained by segTEL, and will be used entirely by segTEL in its business of providing telecommunications and information services. segTEL's use will be entirely independent of PSNH's use of PSNH's poles and the right-of-way for PSNH's electric utility business.

The questions before the Commission include whether PSNH owns and controls rights under its private property easements in question pursuant to applicable federal and state law sufficient to allow segTEL's installation, whether segTEL is required to obtain new easements or other rights from affected private property owners independent from PSNH's rights for segTEL's installation and use, whether private property easements originally granted for electrical distribution are compatible with the installation of fiber optic facilities, how PSNH's federal and state law obligations to provide access to companies such as segTEL must be interpreted in light of private property matters, and whether the language of any pre-existing easements expressly allow or prohibit PSNH's ability to grant licenses for attachments of this sort. The Commission has determined to take jurisdiction of the matter under its jurisdictional authority to hear and resolve complaints against public utilities under NH RSA 365:1 and regarding pole attachment matters under NH RSA 374:34-a.

segTEL and PSNH have been 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

YOUR RIGHTS

The Commission has determined that, because of the issues raised in this proceeding regarding the intent, scope and permissible uses of PSNH's existing easement rights on your property, you have a right to notice of this proceeding and an opportunity to be heard. You will automatically be deemed a party upon receipt by the Commission of written notice from you or your representative that you wish to participate. You shall be permitted to submit briefs on the legal issues in this docket identified above, and to otherwise fully participate in all aspects of the proceeding as a party. You do not need to be represented by a lawyer to intervene as a party, or to provide your comment. Your written notice of intent to participate must be received by the Commission by May 15, 2009, and should be mailed to the Commission, to the attention of Executive Director Debra A. Howland, at the address below. Please include the docket number "DT 08-146" on all correspondence.

The Commission has established May 15, 2009, as the deadline for filing briefs and June 10, 2009, for reply briefs. If you choose to participate, you may submit a brief or written comments on or before May 15, 2009, or a reply brief, on or before June 10, 2009.

A copy of the tax maps that outline segTEL's proposed route for its fiber installation is on file in the offices of the Public Utilities Commission. All public material related to this proceeding is also available on the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2008/08-146.htm>

Dated: _____, 2009

NEW HAMPSHIRE PUBLIC UTILITIES
COMMISSION

By: *Debra A. Howland Neil*
Debra A. Howland, Executive Director
21 South Fruit Street, Suite 10
Concord, NH 03301-2429