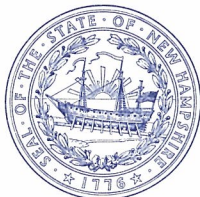


THE STATE OF NEW HAMPSHIRE

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EXECUTIVE DIRECTOR  
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**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)

December 27, 2011

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03303



Re: *DT 10-239, Comcast Maine/New Hampshire, Inc. Water Crossings  
Status Report*

Dear Ms. Howland:

Commission Order No. 25,175 (Nov. 30, 2010) directed Comcast to review its existing water crossings in New Hampshire and to determine whether licensing of those crossings is required by RSA 371:17. The Commission further directed Comcast to comply with any licensing requirements by July 31, 2011; that deadline was extended to December 31, 2011, by secretarial letter on August 5, 2011. On September 30, 2011, Staff filed a joint status report, noting that Comcast had provided an initial list of 380 crossing locations, with a written summary of the method by which it undertook a comprehensive review and survey of all existing state water crossings in its New Hampshire cable-franchised territories based upon a review of the NH Department of Environmental Services (NH DES) Official List of Public Waters. During the course of Comcast's further discussions with Staff, the parties realized that Comcast's initial list of 380 crossings warranted refining, as a number of crossings did not appear to meet the criteria established by the Commission in prior orders under which RSA 371:17 licenses are required. Several of the crossings, for example, do not cross bodies of water included on the NHDES Official List of Public Waters, while others cross over municipal bridges or roads rather than the underlying body of water.

To resolve the issues raised in this docket, Comcast and Staff have agreed that Comcast will file a petition for a general license covering all existing Comcast crossings in New Hampshire that meet the specified requirements, and are classified at and above the 4<sup>th</sup> Order River level as set forth in the NH DES list. The petition will be supported by survey documents prepared by Precision Valley Communications, which include a waterways survey field sketch, location maps, and photographs for each eligible crossing.

Comcast and Staff have also agreed that a petition filed by Comcast for such licensure would be made without conceding the Commission's authority to require such a filing for future crossings and without prejudicing Comcast's right to seek a declaratory ruling in the future on the legal issue of whether the Commission has authority under RSA 371:17 over a cable provider.

Given the need to refine the initial list of 380 existing crossings to meet the requirements of RSA 371:17, Staff and Comcast propose that they be granted additional time to work on finalizing that list for filing with a general petition by no later than February 29, 2012.

Thank you for your attention to this matter. Please do not hesitate to contact me if you should have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Fabrizio".

Lynn Fabrizio  
Staff Attorney

cc: Stacey Parker, Comcast  
Susan Geiger, Orr & Reno  
Kate Bailey, Director, Telecommunications Division  
Randy Knepper, Director, Safety & Security Division