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STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: May 17, 2013
AT (OFFICE): NHPUC

Dand.

FROM: David Goyette, Utility Analyst III - Telecommunications

SUBJECT: DT 12-024 New Hampshire Optical Systems, Inc.
Petition to Cross Public Waterways and Railroads for Segment 8

TO: Commissioners
Debra Howland, Executive Director



On November 1, 2012, Staff filed a memo informing the Commission that New Hampshire Optical Systems, Inc. (NHOS) had already attached to poles E333/344 – T150/1280 and E333/343 – T150/1279 at the rail crossing in Conway and that the clearance of NHOS’s attachment above that of the cable provider, Time Warner Cable (Time Warner), on pole E333/344 – T150/1280 did not appear to comply with the NESC. Staff recommended that the Commission defer action on NHOS’s request for license until the matter was resolved.

On May 7, 2013, Staff received copies of email correspondences between NHOS and Time Warner which showed that the carriers had agreed to have their cables less than 12 inches from one another at the Conway crossing until such time as Time Warner could move its attachment. According to the NESC 235H1, communications carriers are permitted to have their cables less than 12 inches from one another if the parties involved agree to do so. Through its agreement with Time Warner, NHOS’s cable is thus in compliance with NESC requirements. Also, because NHOS’s cables are not being relocated, Staff’s earlier request of NHOS, that, after moving its cable, it submit an attestation that its attachments at the Conway crossing fully comply with NESC and photos demonstrating this, is no longer required.

Prior to learning that NHOS had already attached at the Conway crossing and of the clearance issue on pole E333/344 – T150/1280, Staff submitted a memo, on October 4, 2012, recommending the Commission approve NHOS’s petition, despite 3 apparent NESC violations by FairPoint at 1) the crossing at Pequawket River in Albany, TID 172, 2) the railway crossing at West Main Street, Conway, TID 170, and 3) the railway crossing at South Main Street, Meredith, TID 178. Because correcting the violations could require FairPoint to move its cables or replace poles, and thus, in turn, change locations on poles where NHOS would attach, Staff recommended that the Commission

require NHOS file revised diagrams depicting updated attachment locations at the 3 crossings. Staff informed FairPoint of the apparent violations at the 3 crossings and requested that it correct each of the issues accordingly. Shortly thereafter, on October 9, 2012, FairPoint informed Staff that the issues at the 3 crossings were resolved and that, in none of the cases, was there a change to the location on a pole to which NHOS should attach. Based on this, Staff, no longer recommends the Commission require NHOS file revised diagrams for the 3 crossings.

NHOS's petition for approval of licenses to construct and maintain fiber optic cables are for the following 3 public waterways and 2 railroads in Segment 8 of its Network New Hampshire Now (NNH Now) Middle Mile Network between Meredith and Conway:

- Pequawket River in Albany, near the junction of Madison Road and Route 16, between utility pole E-333/323 – T-150/1263 and utility pole E-333/324 – T-150/1263.5 (Ref. TID 172)
- Bearcamp River in Ossipee, adjacent to NH Route 25 near the junction of Route 25 and Route 16, between utility pole E-3116C/6 and utility pole E-3116C/5 (poles are not tagged for telephone) (Ref. TID 176)
- Red Hill River in Moultonborough, perpendicular to Whittier Highway in the vicinity of Sheridan Road, between utility pole E-144/115 – T-150/759 and utility pole E-144/114 – T-150/758 (Ref. TID 177)
- Railway crossing at West Main Street, Conway near the junction of West Main Street and Route 16, between utility pole E-333/344 – T-150/1280 and utility pole E-333/343 – T-150/1279 (Ref. TID 170)
- Railway crossing at South Main Street, Meredith in the vicinity of Lower Terrace Avenue, between utility pole E-121/1 – T-372/395 and utility pole E-120/78 – T-1/17 (Ref. TID 178)

For a description of Staff's review of a public need and the public impact of the crossings, analysis and review of the NESC code requirements, and the other issues with the crossings (which are now resolved), see Staff's memo of October 4, 2012.

Recommendations and Conclusions

Based upon Staff's analysis, the proposed crossings will not substantially affect the public rights in the waters and lands and Staff concludes that NHOS has demonstrated a public need for the proposed crossings. Accordingly, Staff recommends that the Commission grant the licenses for the NHOS Segment 8 crossings in this petition, with the following conditions:

1. NHOS will file proposed alterations to this crossing prior to making any such alteration.
2. NHOS maintain proper clearances between its cables and those adjacent to it at all times across the entire span pursuant to NESC 235C2b and 235H.
3. NHOS construct, operate and maintain the attachments at all times in accordance with both the 2002 and 2007 editions of the NESC as required by NH Admin. Code Puc 433.01 and 1303.07.