

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 12-246

ELECTRIC AND TELEPHONE UTILITIES

Review of Utility Pole Access Issues

ORDER OF NOTICE

On April 24, 2012, New Hampshire Optical Systems, LLC, filed a petition with the Commission seeking, among other things, an investigation into matters relating to third-party make-ready practices on utility poles. On July 3, 2012, the Commission issued Order No. 25,386, which concluded, in relevant part that the Commission would open a docket “for the purpose of considering issues relating to pole attachment access.” *New Hampshire Optical Systems, LLC*, Order No. 25,386 (Jul. 3, 2012) at 11. Pursuant to that conclusion, the Commission opens the instant docket for investigation of issues relating to pole attachment access. The filings in this docket, other than information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission’s website at <http://www.puc.nh.gov/Regulatory/docketbk-2012.html>.

In Order No. 25,386, the Commission directed Staff to convene interested parties in a stakeholder process to develop a scope of issues to be considered and analyzed. Pursuant to that directive, the following is presented as an initial list of issues to be reviewed:

- Rights and Obligations of Pole Owners
 - Whether there are, or should be, requirements on owners to ensure attachers’ compliance with make-ready obligations;
 - How to allocate rights and obligations on jointly-owned poles;

- How to address and remedy issues relating to unauthorized attachments or attachments out of compliance with safety requirements;
- Whether there should be an obligation to keep and maintain current inventories of attachments, and to survey existing poles and attachments.
- Rights and Obligations of Attachers
 - Whether Commission rules should establish standards, and, if so, what such standards should include, for: construction practices and timing for make-ready, including the use of outside contractors; rates, charges and allowable costs for make-ready work, including whether rates should be made part of a tariff or like filing; and remedies for overcharges or delays, including whether and under what circumstances an attacher may be deemed to have waived certain rights relative to performing its own make-ready work;
- Other Matters
 - Whether the Commission should adopt the pole attachment rules promulgated by the Federal Communications Commission, or a version of them;
 - Whether existing practices regarding attachments being made at specified locations (*i.e.*, at 40 inches below the electric neutral rather than at some lower point) should be changed;
 - Whether a uniform pole attachment agreement should be developed;
 - How any changes to existing pole attachment agreements should be implemented;

- Whether other types of pole attachments, such as pole-top antennas, should be permitted and under what circumstances;
- Whether pole owners and attachers should be required to participate in an automated system for coordinating make-ready between pole owners and attachers.

The above list is a proposed list of matters to be addressed. A stakeholder meeting will be convened on August 29, 2012 for purposes of discussing the list, modifying it as may be appropriate, and discussing proposals for the conduct of the proceeding. Parties intending to participate in the meeting are encouraged to join this docket. To the extent any stakeholder intends to propose other matters to be reviewed, such stakeholders are encouraged to submit proposals for inclusion of those other matters on or by August 22, 2012, to allow other parties time to review the proposal. Consistent with Order No. 25,386, following the stakeholder process, the Commission will accept recommendations about any additional steps that should be undertaken to ensure fair, timely and non-discriminatory access to poles.

Based upon the foregoing, it is hereby

ORDERED, that a stakeholder meeting be held on August 29, 2012 at 10:00 a.m., at the Commission's offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire; and it is

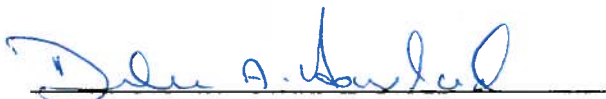
FURTHER ORDERED, that, following the stakeholder process, recommendations be provided to the Commission to determine the further conduct of the proceeding; and it is

FURTHER ORDERED, that the Commission's Executive Director shall publish this Order of Notice on the Commission's website, and e-mail it to the regulatory contacts for all LECs on file with the Telecommunications Division and to all electric utilities in New Hampshire; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to the Office of the Consumer Advocate on or before August 27, 2012, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before August 29, 2012.

By order of the Public Utilities Commission of New Hampshire this sixth day of August, 2012.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

Executive.Director@puc.nh.gov

akraus@waveguidefiber.com

allen.desbiens@psnh.com

amanda.noonan@puc.nh.gov

anich@bwtc.net

asbury@unitil.com

awalsh@tillotsoncorp.com

bstafford@gstnetworks.com

bwtelco@worldsurfer.net

christiane.mason@libertyutilities.com

Christina.Martin@oca.nh.gov

cschmidt@dot.state.nh.us

duntelco@gsinet.net

epler@unitil.com

hmalone@devinemillimet.com

hstewart@des.state.nh.us

kate.bailey@puc.nh.gov

lynn.fabrizio@puc.nh.gov

manypennyh@nhec.com

markdean@markdeanpllc.comcastbiz.net

meissner@unitil.com

michael.ladam@puc.nh.gov

pmchugh@fairpoint.com

rachelle.ladwig@tdstelecom.com

randy.knepper@puc.nh.gov

robert.bersak@psnh.com

Rorie.E.P.Hollenberg@oca.nh.gov

rtulk@fairpoint.com

ryan.taylor@fairpoint.com

sarah.knowlton@libertyutilities.com

scnelson@gsinet.net

srand@gstnetworks.com

stephen.hall@nu.com

Thomas.Murray@tdstelecom.com

Docket #: 12-246-1 Printed: August 06, 2012

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.

DT 12-246, ILECS, CLECS and LECS

186 Communications, LLC
Access Point, Inc. (Both TP & LEC)
AccessPlus Communications, Inc.
ACN Communications Services, Inc. (Both TP & LEC)
Airespring, Inc. (Both TP & LEC)
A.R.C. Networks, Inc. (Both TP & LEC)
AT&T Corp. dba CQ Talk!, Lucky Dog Phone Co., SmarTalk (Both TP & LEC)
Bandwidth.com CLEC, LLC (Both TP & LEC)
BCN Telecom, Inc. (Both TP & LEC)
Biddeford Internet Corporation
Broadview Networks, Inc. (Both TP & LEC)
Broadview NP Acquisition Corporation (Both TP & LEC)
Broadvox-CLEC, LLC (Both TP & LEC)
BT Communications Sales, LLC (Both TP & LEC)
BullsEye Telecom, Inc. (Both TP & LEC)
C&W Communications, LLC (Both TP & LEC)
Charter Fiberlink, NH (Both TP & LEC)
Choice One of New Hampshire, Inc. dba EarthLink Business (Both TP & LEC)
Cincinnati Bell Any Distance (Both TP & LEC)
Comcast Phone of New Hampshire, LLC dba Comcast Digital Phone, CIMCO (Both TP & LEC)
Communications Solutions Partners, Inc.
COMTECH 21, LLC (Both TP & LEC)
Conversent Comm of NH, LLC dba EarthLink Business (Both TP & LEC)
Covista, Inc. (Both TP & LEC)
CRC Communications LLC dba OTT Communications (Both TP & LEC)
Crexendo Business Solutions, Inc. (Both TP & LEC)
CTC Communications Corporation dba EarthLink Business (Both TP & LEC)
DIECA Comm dba Covad Comm (Both TP & LEC)
dishNET Wireline LLC (Both TP & LEC)
DSCI Corporation
EnTelegent Solutions, Inc. (Both TP & LEC)
Ernest Communications, Inc. (Both TP & LEC)
Eureka Telecom, Inc. dba InfoHighway Comm
Fiber Technologies Networks, LLC
France Telecom Corporate Solutions, LLC (Both TP & LEC)
Freedom Ring Comm, LLC dba BayRing (Both TP & LEC)
G4 Telecom NH, Inc. dba Otel Telekom, Inc.
GC Pivotal, LLC (Both TP & LEC)
Global Crossing Local Services, Inc.
Global Crossing Telemanagement, Inc.
Granite Telecomm, LLC dba Cornerstone Comm (Both TP & LEC)
Great America Networks, Inc. (Both TP & LEC)

Hypercube Telecom, LLC (Both TP & LEC)
IDT America Corporation (Both TP & LEC)
inContact, Inc. dba UCN, Inc. (Both TP & LEC)
iNetworks Group, Inc. (Both TP & LEC)

rcarmichael@186comm.com
regulatoryaffairs@accesspointinc.com
dnorton@accesspluscom.com
jsmuckle@acinc.com
cat@airespring.com

owen.x.smith@att.com
lifreeman@bandwith.com
contact@nationwideregulatorycompliance.com
esamp@gwi.net
jharper@broadviewnet.com

cgarrett@broadvox.com
linda.cicco@bt.com
dbailey@bullseyetelecom.com

betty.sanders@chartercom.com
pfoley@corp.earthlink.com
ted.heckmann@cinbell.com

stacey_parker@cable.comcast.com
smc@wca.com
regulatory@comtech21.com

sforquer@covista.com
trina.bragdon@ottcommunications.com/ed.tisdale@ot
jkorn@crexendo.com

katherine.mudge@megapath.com
william.hunt@dishnetwork.com
tbattles@dscicorp.com
regulatory@entelegent.com
skingery@ernestgroup.com

jnewkirk@fibertech.com
joe.topel@orange.com
jennifer@bayring.com
gent@otel.us
gmccarty@globalcapacity.com
jwillis@rtcllc.net
diane.peters@globalcrossing.com
regulatory@granitenet.com
alee@btigroup.com

regulatory@h3net.com
Carl.Billek@idt.net

rcowley@ingts.com

IntelePeer, Inc. (Both TP & LEC)
International Network Solutions, LLC (Both TP & LEC)
Internet and Telephone, LLC (Both TP & LEC)
Level 3 Communications, LLC (Both TP & LEC)
Lightship Telecom, LLC dba EarthLink Business (Both TP & LEC)
Light Tower Fiber LLC
Lightyear Network Solutions, LLC (Both TP & LEC)
Matrix Telecom, Inc. dba Trinsic, Vartec, Excel, Clear Choice (Both TP & LEC)
McGraw Communications, Inc. (Both TP & LEC)
MCI metro Access Trans Svc, LLC
McLeodUSA Telecommunications Services, Inc. (Both TP & LEC)
MetroCast Cablevision of New Hampshire, LLC
Metropolitan Telecomm of New Hampshire, Inc. (Both TP & LEC)
Mitel NetSolutions, Inc. (Both TP & LEC)

Momentum Telecom, Inc. (Both TP & LEC)
National Mobile Comm Corp dba Sovernet Comm (Both TP & LEC)
NEON Connect, Inc.
Neutral Tandem-New Hampshire, LLC (Both TP & LEC)
New Edge Network, Inc. dba EarthLink Business (Both TP & LEC)
New Hampshire Fiber Network, Inc.
New Hampshire Optical Services
New Horizons Comm Corp (Both TP & LEC)
Nextlink Wireless, Inc. (Both TP & LEC)
North Atlantic Networks, LLC
NOS Communications, Inc. (Both TP & LEC)
PaeTec Communications, Inc. (Both TP & LEC)
PNG Telecommunications, Inc. dba PowerNet Global Comm, CrossConnect & Thrive
(Both TP & LEC)
QuantumShift Communications, Inc.
Qwest Communications Co, LLC dba CenturyLink QCC (Both TP & LEC)
Revolution Networks, LLC
RNK, Inc. (Both TP & LEC)
Rural Economic Development Network, Inc.
SecureSysCom, Inc.
SegTEL, Inc. (Both TP & LEC)

Sidera Networks, LLC (Both TP & LEC)
Sovernet Corp. dba Vermont FiberConnect
Spectrotel, Inc. (Both TP & LEC)
Sprint Comm Company, LP (Both TP & LEC)
TCG New Jersey, Inc. dba AT&T (Both TP & LEC)
Telcentrex, LLC (Both TP & LEC)
Telco Experts, LLC (Both TP & LEC)
TelCove Operations, Inc. (Both TP & LEC)
Telecom Management, Inc. dba Pioneer Telephone (Both TP & LEC)
Teljet Longhaul of New Hampshire LLC
Time Warner Cable Info Svcs New Hampshire (Both TP & LEC)
Topsham Communications, LLC (Both TP & LEC)
Trans National Comm International, Inc. dba TNCI (Both TP & LEC)
Transbeam, Inc. (Both TP & LEC)

regulatory@intelepeer.com
kkirkeide@ins-us.net
kteal@itllc.net

lbrown@lighttower.com
linda.hunt@lightyear.net
ldellaero@matrixbt.com

john.l.conroy@verizon.com
kathy.hobbs@windstream.com
ibarstow@metrocast.com
mtr@compliancegroup.com
jon_brinton@mitel.com

llackey@sover.net
fernanda.manko@sidera.net
rmonto@neutraltandem.com

i.roemer@nhfibernet.net
rcarmichael@nhosystems.com
rsheehan@nhcgrp.com
kelly.faul@xo.com
regulatory@nan.com
irenneker@nos.com

jdollenmayer@pngmail.com
jbrown@vcomsolutions.com
ted.hankins@centurylink.com
bpaul@oxfordnetworks.com
mtennis@rnkcom.com
fstocker@vermontel.com
tlvons@securesyscom.net
kath@segtel.com

marie.lew@rcn.net

vleon@spectrotel.com
benjamin.aron@sprint.com

squareleck@telcentrex.com
eric.fishman@hklaw.com

kphotiades@pioneertelephone.com
dhyde@teljet.com
julie.laine@twcable.com
chet@cit-tele.com
erobinson@tncii.com
regulatory@telecomgroup.com

United System Access Telecom, Inc. dba USA Telecom (Both TP & LEC)
Velocity The Greatest Phone Company Ever, Inc. (Both TP & LEC)
Verizon Select Services, Inc. (Both TP & LEC)
Wholesale Carrier Services, Inc. (Both TP & LEC)
Windstream NuVox, Inc.
Ymax Communications Corporation
Zone Telecom, LLC (Both TP & LEC)

phill@usacsp.com
chip@velocity.org
joan.m.engler@one.verizon.com
rclark@wcs.com
regulatory@ymaxcorp.com
regulatoryaffairs@anpisolutions.com

Bretton Woods Telephone Co.
Dixville Telephone Co.
Dunbarton Telephone Co.
Granite State Telephone
Hollis Telephone Co.
Kearsarge Telephone Co.
Merrimack Telephone Co.
Northland Telephone Co. of ME dba FairPoint
FairPoint Communications
Union Telephone Co.
Wilton Telephone Co.

anich@bwtc.net
awalsh@tillotsoncorp.com
scnelson@gsinet.net
bstafford@gsn.net
tom.murray@tdstelecom.com
tom.murray@tdstelecom.com
tom.murray@tdstelecom.com
rtulk@fairpoint.com
rtaylor@fairpoint.com
tom.murray@tdstelecom.com
tom.murray@tdstelecom.com