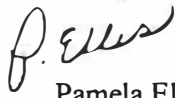


STATE OF NEW HAMPSHIRE  
Inter-Department Communication

DATE: April 23, 2018

FROM:  Pamela Ellis  
Office of Legislative Budget Assistant  
State House, Room 102  
Concord, New Hampshire 03301

RE: **FIS 17:165 AMENDED**

TO: David Wiesner, Esq. (david.wiesner@puc.nh.gov)  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Attached is the fiscal impact statement listed above. It should be reviewed and then submitted to the Division of Administrative Rules, Office of Legislative Services, in accordance with the N.H. Rulemaking Manual dated July 2016.

Attachment

Fiscal Impact Statement for Public Utilities Commission rules governing Utility Pole Attachment Rules. [Puc 1300]

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

Addendum

April 23, 2018

As a result of notice and hearing the final proposal includes a proposed change in Puc 1304.06(a)(5) to reference the Federal Communications Commission's (FCC) current rate formulae set forth in 47 C.F.R. section 1.1409, rather than the 2007 version of those federal rules referenced in the existing Puc 1300 rules. Puc1304.06(a) does not establish rates for pole attachments, but rather lists a number of factors to be considered by the Public Utilities Commission (PUC) in determining just and reasonable pole attachment rates, including the FCC rate formulae set forth in 47 C.F.R. §1.1409. New Hampshire has typically followed the FCC's lead in adopting rate formulae, as the FCC has conducted extensive fact-finding and analysis on costs and charges that would be inefficient and expensive for the State to duplicate.

If the new FCC rate formulae were applied as a factor in a given instance, it is difficult to estimate the potential financial impacts on pole owners or attaching entities, as well as the ultimate effects on their respective customers in the State. To the extent utility pole owners and attaching entities in New Hampshire are considered independently owned businesses, the PUC believes the fiscal impact of the proposed change may be significant but is indeterminable.

Make-Ready Work Process and Timeline Revisions. The Final Proposal for the Puc 1300 rules for utility pole attachments includes proposed changes in Puc 1303.04 and Puc 1303.12 to effectively adopt the Federal Communications Commission's (FCC) make-ready work process and timeline rules as set forth in 47 C.F.R. §1.1420 and §1.1422. Those federal rules provide for a more streamlined, segmented, transparent, and expedited process

and timeline for completing the make-ready work necessary to permit new attachments on utility poles. In addition, the opportunity for attaching entities to use utility-approved contractors to perform make-ready work not timely completed by pole owner and existing attachers represents an important remedial option for the attaching entities. The PUC expects that any incremental costs reasonably incurred by pole owners to comply with the proposed new make-ready work process and timeline rules will be passed on to the attaching entities requiring performance of the make-ready work.

Assuming utility pole owners and attaching entities in New Hampshire may properly be considered "independently owned businesses," the PUC states it is difficult to estimate the potential fiscal impacts of the proposed rule amendments on pole owners or attaching entities, as well as the ultimate effects on their respective customers in the State. The PUC therefore believes that the fiscal impact of the proposed changes may be significant but is indeterminable.