

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

DRM 17-139

RULEMAKING

**New Hampshire Code of Administrative Rules
Chapter Puc 1300, Utility Pole Attachment Rules**

ORDER OF NOTICE

On November 9, 2017, the Commission voted pursuant to RSA 541-A to initiate a formal rulemaking for N.H. Code Admin. Rules Chapter 1300, Utility Pole Attachment Rules. The Commission's initial proposal represents a readoption of the existing Puc 1300 rules with amendments.

The Puc 1300 rules, adopted pursuant to the statutory mandate of RSA 374:34-a, provide for regulation by the Commission rather than by the Federal Communications Commission of rates, charges, terms, and conditions of utility pole attachments that are just, reasonable, and in the public interest. The rules affect public utilities and other entities that own or co-own poles, and entities such as telecommunications providers, cable television providers, electric service providers, wireless service providers, information service providers, and municipalities that have facilities attached to such poles and/or that seek such attachments.

The proposed amendments to the Puc 1300 rules contain edits, updates, and clarifying changes, as well as certain definitional and substantive revisions intended to clarify the status and rights of wireless service providers and information service providers. The amendments also address issues regarding make-ready work timelines and obligations that have been identified in the course of the Commission's administration of the rules during the past several years. Upon

completion of the formal rulemaking process, the proposed amended rules will replace the current version of Puc 1300.

A notice of rulemaking as required by RSA 541-A:6 (Notice), was filed with the Office of Legislative Services on November 28, 2017, and has been sent to all persons who have made a timely request for advance notice of these rulemaking proceedings. The Notice establishes a public hearing to be held at the Commission on January 24, 2018 at 1:00 p.m. and a deadline for the submission of written comments on February 2, 2018. The Notice as published in the New Hampshire Rulemaking Register is appended hereto. Pursuant to N.H. Code Admin. Rules Puc 203.12, this Order of Notice will also be published on the Commission's website.

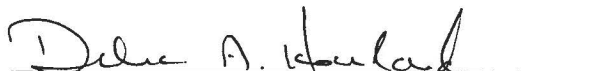
The Initial Proposal for readoption with amendments of the Puc 1300 rules may be viewed on the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2017/17-139.html>, or copies may be obtained from the Commission as set forth in the Notice.

Based upon the foregoing, it is hereby

ORDERED, that a Public Hearing, pursuant to RSA 541-A:11, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, on January 24, 2018, at 1:00 p.m., and that the deadline for submission of materials in writing or by e-mail shall be February 2, 2018, as set forth in the Notice; and it is

FURTHER ORDERED, that, pursuant to N.H. Code Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice on the Commission's website no later than December 11, 2017.

By order of the Public Utilities Commission of New Hampshire this eighth day of
December, 2017.



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.

Notice Number 2017-163 Rule Number Puc 1300

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| <p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301</p> | <p>2. RSA Authority: <u>RSA 374:34-a, III</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p> |
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5. Short Title: Puc 1300 – Utility Pole Attachment Rules

6. (a) Summary of what the rule says and of any proposed amendments:
- The Commission intends to readopt with amendments its Puc 1300 rules. The Puc 1300 rules, pursuant to the statutory mandate of RSA 374:34-a, provide for regulation by the Public Utilities Commission rather than by the Federal Communications Commission of rates, charges, terms, and conditions of utility pole attachments that are just, reasonable, and in the public interest. The proposed amendments contain edits, updates, and clarifying changes, as well as certain definitional and substantive revisions intended to clarify the status and rights of wireless service providers and information service providers. The amendments also address issues regarding make-ready work timelines and obligations that have been identified in the course of the Commission’s administration of the rules during the past several years.**
- The existing Puc 1300 rules are scheduled to expire on December 12, 2017, but are subject to extension pursuant to RSA 541-A:14-a.**
6. (b) Brief description of the groups affected:
- The Puc 1300 rules affect public utilities and other entities that own or co-own poles, and entities such as telecommunications providers, cable television providers, electric service providers, wireless service providers, information service providers, and municipalities that have facilities attached to such poles and/or that seek such attachments.**
6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| Rule | Statute |
|----------|-------------------------|
| Puc 1300 | RSA 374:3; RSA 374:34-a |

NN 2017-163 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **David K. Wiesner, Esq.** Title: **Staff Attorney.**
Address: **Public Utilities Commission** Phone #: **603-271-6030**
21 South Fruit Street, Suite 10 Fax#: **603-271-4033**
Concord, NH 03301 E-mail: **David.Wiesner@puc.nh.gov**
TTY/TDD Access: **Relay NH 1-800-735-2964**
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 2, 2018**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **January 24, 2018, at 1:00 p.m.**
Place: **N.H. Public Utilities Commission**
21 South Fruit Street, Suite 10
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 17:165, dated Nov. 27, 2017

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.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision of the State of New Hampshire, and therefore do not violate Part I, Article 28-a of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.